

CONFIDENTIAL.

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PART V.

FURTHER CORRESPONDENCE

RESPECTING THE

AFFAIRS OF NORTH AFRICA.

25

July to December 1883.

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ERRATA.

Page 173.—In 5th paragraph of Inclosure 5 in No. 210, 3rd line from end, for "That I should be brought" read "That I should decline to be brought," &c.
 Page 184.—In 1st line of last paragraph but one, for "Of the policy" read "Of the feeling," &c.

CONFIDENTIAL.

Further Correspondence respecting the Affairs of North Africa.

PART V.

No. 1.

Sir J. Drummond Hay to Earl Granville.—(Received July 1.)

(No. 54.)

My Lord,

Tangier, June 25, 1883.

WITH reference to my despatch No. 53 of the 22nd instant relative to the intention of the Spanish Government to take possession of the site in Soos ceded by Treaty for a fishing station, transmitting copy of a despatch from Her Majesty's Consul at Mogador, reporting the movements of the Sultan's troops in the south, I have the honour to transmit an extract from a further despatch from Mr. Consul Payton, reporting steps taken by the Sultan to fortify the town of Tizneet in Soos.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 1.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, June 20, 1883.

IT is reported here that a party comprising an Ameen (Hadj Mahjoub Foofelaz), a scribe, and a number of masons and other workmen, are to start about Monday next for Tizneet, which place they have orders to fortify, and that they will take with them from the Custom-house here a preliminary grant for expenses of 1,000 dollars.

No. 2.

Mr. Curtis to Earl Granville.—(Received July 2.)

My Lord,

9, Crosby Square, City, June 29, 1883.

I HAVE had the honour to submit to your Lordship through Lord E. Fitzmaurice some papers relating to my trading as a British merchant in Sûs, and as I am leaving again for that coast in a day or two, I venture to ask your Lordship if you will be pleased to give me an acknowledgment that it is within your knowledge that I am going out for that purpose.

Further, if your Lordship will send out instructions to Her Majesty's Agents to suffer me to continue my business at my own risk.

In my previous letter and interview with Lord E. Fitzmaurice, I think I fully explained the position in which I was placed.

I am, &c.

(Signed) J. CURTIS,

Foreign Agent Sûs and North African Trading Company.

Consul Dupuis to Earl Granville.—(Received July 3.)

(No. 30.)

My Lord,

Teneriffe, June 21, 1883.

I DO not know whether I should take notice of occurrences out of this Consular district, but observing in the "Standard" newspaper lately reference made to the Mar Pequena affair, Cape Juby, and as to what befel the agent of the Sus and North African Trading Company, I was induced to send the paper to the representative of the North-west African Company at Cape Juby.

This gentleman now writes back to say that the account given in the paper as to what occurred to the agent appears to be very far from the truth; and thinking it might possibly be useful to your Lordship to know what really did happen, I venture to submit to your Lordship the following paragraph, which I have transcribed from the letter sent me:—

"A few days ago I received particulars of the whole affair from Morocco. A steamer, chartered by the Sus and North African Company, lay for some time anchored near Assaka, a place not far from Wadnoon; she landed and sold some food-stuffs. When the Moorish Sultan heard of this occurrence, he dispatched some soldiers to punish the tribes who had assisted at the landing of the goods, &c. Mr. Curtis and another representing the above Company were arrested and taken to Morocco, but neither the Sultan nor his Minister would see them. They are now, I believe, in Mogador."

With regard to the Mar Pequena affair, I may inform your Lordship that I believe the Spanish Commissioners are still at Mogador waiting definite instructions from the Madrid Government. The Moors, it now appears, contend that the place is near Puerto Cansado (not far from Cape Juby), while the Spaniards maintain that the locality they claim is higher up.

Meanwhile, with the exception of a few necessary materials for the expedition, which seem to arrive in dribblets from Spain, and some bakers and ovens, the Mar Pequena affair is dormant.

I have, &c.
(Signed) J. HUTTON DUPUIS.

No. 4.

Mr. Reade to Earl Granville.—(Received July 3, 3:10 P.M.)

(No. 12.)

(Telegraphic.)

Tunis, July 3, 1883, 10:50 P.M.

IF, as correctly reported, abolition of the Capitulations is seriously contemplated, I respectfully but earnestly submit that a settlement of all pending claims should be insisted on as a condition precedent to such a measure.

The past procedure of the ruling French authorities does not inspire any confidence whatever in the future, and but for the fear of ill-treatment hereafter, British subjects in this country would rise in a mass and petition Her Majesty's Government against the abandonment of their Treaty rights.

No. 5.

Viscount Lyons to Earl Granville.—(Received July 4.)

(No. 414.)

My Lord,

Paris, July 3, 1883.

WITH reference to your Lordship's despatch No. 614 of the 21st June last, inclosing correspondence which has passed between your Lordship and the French Ambassador in London in respect to the question of the abandonment of British Consular jurisdiction in Tunis, I have the honour to transmit herewith a Memorandum, which has been drawn up by M. Treitt, in answer to the one inclosed in your Lordship's despatch, and which referred to the points upon which Her Majesty's Government desired further information in regard to the interpretation of various Acts of the French Law.

I have, &c.
(Signed) LYONS.

Memorandum.

Loi du 27 Mars, 1883, établissant des Tribunaux Français dans la Régence de Tunis.

ÉCLAIRCISSEMENTS.

Articles II et IV.

1. IL faut poser en principe que, aussi longtemps que les Capitulations existeront en Tunisie, cette Loi ne concernera que les Français et les protégés Français, puisque le Gouvernement de la France s'est porté garant de l'exécution des Traités existant actuellement entre le Gouvernement de la Régence et les diverses Puissances Européennes.*

2. C'est en prévision de l'abolition des Capitulations, que l'Article 2, § 3, de la Loi du 27 Mars, 1883, dispose que la compétence des Tribunaux Français pourra être étendue à toutes autres personnes par des Décrets de Son Altesse le Bey, rendus avec l'assentiment du Gouvernement Français.

Si la faculté d'étendre la juridiction Française à toutes autres personnes n'avait pas été prévue, les étrangers et les protégés étrangers, à partir du jour où les Capitulations auraient été abolies, seraient tombés sous la juridiction locale.

L'Article 2 suppose que les étrangers et les protégés étrangers préféreront la juridiction Française à la juridiction indigène. Du reste, il est vraisemblable que, quand un État Européen consentira l'abolition des Capitulations, il ne manquera pas de stipuler d'une façon expresse la juridiction Française en faveur de ses nationaux et de ses protégés.

3. L'Article 2 de la Loi du 27 Mars, 1883, dit que les nationaux Français font partie du ressort de la Cour d'Alger; il aurait dû dire, font partie du ressort de la Cour d'Appel d'Alger. En France, on appelle simplement Cour, la juridiction supérieure à laquelle sont déferés les appels. Les juridictions inférieures sont dénommées Tribunaux.

4. Il est hors de doute que les sujets Anglais ainsi que tous les étrangers indistinctement qui se seront soumis à la juridiction Française, auront le droit d'appeler dans les procès civils et criminels; les appels seront portés devant la Cour d'Appel d'Alger en vertu de l'Article 2 de la Loi du 27 Mars, 1883.

5. En matière civile comme en matière criminelle, l'appel devant la Cour d'Alger sera suivi et jugé dans les mêmes formes et conditions que celles qui incombent aux Français.

A cet égard, tous les étrangers ont absolument les mêmes droits et les mêmes obligations que les Français tant en France que dans ses possessions hors d'Europe.

C'est là le droit commun.

Les étrangers en France, comme dans les Colonies, ne sont pas traités différemment que les Français, en matière de révision des Jugements, de l'atténuation des peines, et de la grâce ou pardon que le Chef de l'État peut seul accorder.

6. Les dispositions de l'Article 4 de la Loi du 27 Mars, 1883, sont claires, mais pour les comprendre il faut connaître les termes et la pratique judiciaires usités en France.

Voici en d'autres termes ce que dit cet Article:—

(A.) En matière civile, les Tribunaux de Première Instance, en Tunisie, jugeront en dernier ressort (c'est-à-dire sans faculté d'appeler) les actions personnelles et mobilières, civiles ou commerciales, jusqu'à la valeur de 3,000 fr. (120l.), et en matière immobilière jusqu'à 120 fr. de revenu.

Toutes les autres affaires seront jugées en premier ressort (c'est-à-dire avec faculté d'appeler), et la compétence des Tribunaux de Première Instance est illimitée.

(B.) En matière correctionnelle.

Cette matière comprend toutes les infractions à la loi, appelés délits. La peine maxima des délits ne peut dépasser cinq années d'imprisonnement, plus une amende dont le montant est variable.

L'appel est permis contre toutes les condamnations correctionnelles, sans exception aucune.

* Exposé des Motifs de la Loi du 27 Mars, 1883, déposé au Sénat le 25 Janvier 1883, p. 2, § 4.
Rapport sur la même Loi du Sénateur Jacques, déposé au Sénat le 15 Février, 1883, p. 4, § 1.
Article IV de la Convention Franco-Tunisienne du 12 Mai, 1881.

C'est la Cour d'Appel d'Alger qui jugera les appels contre les Jugements des Tribunaux de Première Instance de la Tunisie. Les choses se passent absolument comme en France ; mais

(C.) En matière criminelle, il n'en est plus de même.

La matière criminelle comprend toutes les forfaitures à la loi prévues par l'échelle des peines depuis la réclusion jusqu'à la condamnation à mort.

En France et en Angleterre, c'est le jury qui prononce sur la culpabilité des individus accusés de crimes.

En Tunisie, au contraire, c'est le Tribunal de Première Instance qui juge en dernier ressort les faits qualifiés crimes. Mais le Tribunal ne statue pas seul, la loi lui adjoint six Assesseurs avec voix délibérative. Les Assesseurs sont tirés au sort sur des listes formées chaque année parmi les habitants notables, ainsi que cela se pratique en Angleterre et en France quand on constitue le jury.

Le Tribunal de Première Instance ainsi renforcé de six Assesseurs, plus nombreux que les Juges, fonctionne comme Cour d'Assises et comme jury, tout à la fois.

7. Le système des Tribunaux Criminels Mixtes, composés de citoyens et de Juges, a existé en Algérie pendant de longues années, et a donné de bons résultats. Ce n'est environ que depuis quinze ans que le jury a été établi en Algérie comme en France.

Il est présumable que dans l'avenir, si l'état actuel en Tunisie se consolide, les choses pourrout s'y passer de même qu'en Algérie.

Article V.

8. Cet Article existe déjà dans la procédure criminelle Française ; il n'a point pour résultat de conduire d'abord un sujet Britannique à Alger et de le ramener ensuite en Tunisie pour y être jugé.

D'après le Code de Procédure Criminelle Français, quand un crime a été commis, le Juge d'Instruction près le Tribunal dans le ressort duquel le crime a eu lieu, est chargé de faire les enquêtes, les poursuites, et les interrogatoires des témoins et des accusés ; en un mot, de prendre toutes les mesures autorisées par la loi, pour arriver à la découverte de la vérité.

Quand l'instruction est terminée et tous les faits et documents établis, le Juge d'Instruction envoie le dossier à la Cour d'Appel avec son rapport et toutes les pièces à l'appui.

Une section de la Cour d'Appel appelée la *Chambre des Mises en Accusation* est saisie de l'affaire. Le Procureur-Général (Attorney-General) prend également connaissance du dossier et y joint ses réquisitions par écrit. Puis, la Chambre des Mises en Accusation, sur le rapport de l'un des Juges, qualifie les chefs d'accusation et renvoie l'accusé devant les Juges compétents ; les Juges compétents sont ceux de la localité où le crime a été accompli.

C'est cette décision de la Chambre des Mises en Accusation que l'on appelle l'*Arrêt de Renvoi* ; c'est cet Arrêt de la Cour d'Appel d'Alger qui seul peut saisir les Tribunaux de Tunisie du droit de juger les accusés.

Jamais les accusés ne comparaissent devant la Chambre des Mises en Accusation ; ils n'ont que le droit de lui adresser des mémoires en défense. Il n'y a donc pas de déplacement pour les accusés. Cet examen de l'instruction faite par une juridiction supérieure est une garantie pour les accusés. Il arrive parfois que la Chambre des Mises en Accusation qualifie les faits incriminés autrement que le Juge d'Instruction ; qu'elle ne les qualifie que de *délits* au lieu de *crimes*, et même qu'elle ordonne la mise en liberté des accusés par le motif, par exemple, que les faits incriminés n'ont pas été prévus par la loi.

Article X.

9. Cet Article a son commentaire dans le § 8 de l'Exposé des Motifs de la Loi du 27 Mars, 1883, déposé au Sénat le 25 Janvier, 1883 (page 7).

En Algérie, depuis 1830 jusqu'en 1841, les intérêts des plaideurs n'étaient représentés devant la Justice que par des individus sans caractère légal ni officiel. C'étaient de simples mandataires, *negotiorum gestores*. Les intérêts des justiciables n'étaient pas assez garantis.

Par Arrêté Ministériel du 26 Novembre, 1841, le Gouvernement Français créa un corps de *lawyers*. Ceux-ci obtinrent le droit exclusif de représenter et d'assister les plaideurs devant les Tribunaux ; ce corps de *lawyers* reçut le nom de défenseurs ; ils réunissent en leurs mains toutes les attributions des *attorneys* ou *solicitors* et des *barristers* en Angleterre, et des *avocats* et *avoués* en France ; car ils plaident toutes les affaires au civil et au criminel.

10. Le Gouvernement Français a créé un corps de défenseurs devant la Justice Française en Tunisie. Pour être défenseur, il faut être de nationalité Française ; mais par respect pour des droits acquis et des intérêts légitimes, l'Article 10, § 3, de la Loi du 27 Mars, 1883, admet au nombre des défenseurs en Tunisie, les avocats étrangers y ayant exercé leur profession.* Cette disposition est toute favorable aux avocats Anglais et Italiens et Allemands, établis dans la Régence. On dit qu'ils ont réclamé la faveur d'être nommés défenseurs, ils obtiennent ainsi un privilège exclusif pour les fonctions d'avocat et d'avoué devant les Tribunaux Français, en Tunisie, ils peuvent faire tous les actes qui compètent à ces officiers de la loi, ainsi que les *solicitors* et les *barristers*. Mais ils ne peuvent se livrer au commerce ni remplir des fonctions publiques salariées.

Décret Présidentiel du 14 Avril, 1883.

Article IX, § 3.

11. Au sujet de l'Article 11 du Décret du 14 Avril, 1883, il est demandé si, l'accusé étant de nationalité Anglaise, a le droit d'avoir trois Assesseurs Anglais.

Le texte répond négativement à cette question ; le Décret n'a créé que trois catégories d'Assesseurs : celle des Français, celle des étrangers, et celle des indigènes. Il n'a pas été établi une catégorie spéciale d'Assesseurs d'Anglais ; il me paraît qu'il eût été assez difficile d'établir des Assesseurs pour chaque État Européen. L'accusé Anglais ne pourra donc pas réclamer trois Assesseurs Britanniques.

On demande encore si un accusé Anglais peut récuser les trois Assesseurs étrangers et confier uniquement ses intérêts aux trois Assesseurs Français, ou si cela n'est pas possible, aux six Assesseurs Français.

Cette question ne trouve pas sa solution dans le Décret du 14 Avril, 1883 ; ce Décret ne contient aucune prévision relative au droit de récusation.

C'est sans doute une lacune, car les Assesseurs sont des sortes de jurés. Or le droit de récusation d'un certain nombre de jurés est un des principes de la législation criminelle Française. Je crois donc qu'il devrait exister un droit de récusation des Assesseurs devant les Tribunaux de la Tunisie ; une pareille disposition serait conforme à l'équité et aux principes de la libre défense des accusés.

Observations Générales.

12. Quelle sera la situation légale de la propriété immobilière relativement aux placements des fonds et aux détenteurs actuels de terres, en présence de la Convention Anglo-Tunisienne du 10 Octobre, 1863, et de l'Article 4 de la Loi du 12 Mai, 1881 ?

Cette question se résoud par le texte de l'Article 4 de la Loi du 12 Mai, 1881. Par cet Article le Gouvernement Français s'est porté garant de l'exécution de tous les Traités existant entre le Gouvernement de la Régence et les diverses Puissances Européennes.

En conséquence, la Convention Anglo-Tunisienne de 1863 reste entière jusqu'à ce qu'elle ait été modifiée soit par l'abolition des Capitulations, soit autrement.

J'ai lu cette Convention ainsi que la Constitution Tunisienne du 16 Septembre, 1861 ; aucun de ces documents ne contient de dispositions contraires à la loi hypothécaire Française. Je ne crois pas qu'il puisse surgir un conflit en cette matière.

Le régime hypothécaire Français est évidemment appelé à fonctionner en Tunisie ; si, par la suite, les immeubles Tunisiens et les hypothèques qui les affectent, viennent à tomber sous l'empire de la loi Française, tous les intérêts n'en seront que mieux garantis ; le système hypothécaire Français a la réputation d'être un des meilleurs ; différents États Européens l'ont adopté, même sans modifications.

Cependant je crois qu'il serait utile que (en cas de renonciation aux Capitulations et autres lois protectrices dans les anciens États barbaresques) les hypothèques en Tunisie fussent l'objet d'une attention particulière, à cause de la complication d'intérêts que cette matière entraîne assez souvent après elle.

13. Tant qu'il n'y aura pas eu de renonciation aux Capitulations, les protégés Britanniques resteront dans la position qu'ils ont aujourd'hui.

Après l'abolition des Capitulations, ils pourront réclamer la jouissance de tous les droits civils et en jouir comme les Français eux-mêmes ; les étrangers, sauf les droits politiques et municipaux, sont assimilés aux Français dans toutes les affaires civiles et commerciales tant en France que dans les possessions d'outre-mer.

* Rapport du 25 Janvier au Sénat, § 8.

14. Quant aux privilèges et aux immunités attachés à la personne et à la résidence des officiers Consulaires, ils seront les mêmes que ceux dont jouissent tous les Consuls Britanniques en France et dans les Colonies Françaises; sous le régime de Protectorat de la France, les officiers Consulaires n'auront plus besoin des mêmes garanties que les Capitulations ont dû leur assurer dans les pays Musulmans.

15. Les privilèges et les immunités des Consuls étrangers en France sont réglés par les lois et la jurisprudence à défaut de Conventions Consulaires spéciales.

Il n'y a pas besoin de dispositions législatives nouvelles en cette matière.

(Signé) TREITT.

Paris, le 3 Juillet, 1883.

No. 6.

Viscount Lyons to Earl Granville.—(Received July 4.)

(No. 415.)

My Lord,

Paris, July 3, 1883.

WITH reference to your Lordship's despatch No. 635 of the 27th ultimo, I have the honour to inclose herewith copy of the note which I have addressed to the French Government calling their attention to the violent proceedings of MM. Delsol and Maréchal, and to the continued refusal of the French authorities in Tunis to offer any redress to Her Majesty's Agent and Consul-General for the affront thus put upon Her Majesty's Consulate.

The original documents inclosed in your Lordship's despatch are herewith returned.

I have, &c.
(Signed) LYONS.

Inclosure in No. 6.

Viscount Lyons to M. Challemel-Lacour.

Paris, July 3, 1883.

M. le Ministre,

IN compliance with instructions received from Earl Granville, I have the honour to invite the attention of the French Government to a case reported by Her Majesty's Agent and Consul-General in Tunis of forcible invasion, by a body of men under the leadership of MM. Delsol and Maréchal, French citizens, of a piece of ground while in charge of a watchman who had been placed there by Her Majesty's Consulate-General.

This piece of ground, which is situated near the Régie des Tabacs, belongs to General Cid Hameida Benaguel; but a rival claim to its ownership having been advanced by MM. Delsol and Maréchal, an arrangement was come to between the British and French Consulates, in virtue of which a Moorish watchman was placed there by Her Majesty's Consul-General to guard the property pending the settlement of the rival claims to its ownership.

I regret to have to inform your Excellency that not only was forcible possession taken of the ground by MM. Delsol and Maréchal and their attendants, in spite of the protestations of the watchman, but even the Dragoman of the British Consulate—who had been summoned to support the protest—was treated with rudeness and want of respect.

The remonstrances which Her Majesty's Agent and Consul-General addressed to the French Chargé d'Affaires have so far failed to procure the evacuation of the ground, and the Tribunal Correctionnel, to whom Baron d'Estournelles declared that recourse must be had, has affirmed its incompetence to deal with this matter. In the meantime, the French citizens who have seized the property have commenced building a stone wall upon it.

Her Majesty's Government desire me, therefore, to lose no time in bringing this case to your Excellency's notice, and to express the hope that you will be so good as to obtain a Report upon it from the French authorities in Tunis.

It appears to Her Majesty's Government that there is no reason to doubt that the question of title to the ground must be decided by the competent Tribunal; but there seems to be the distinct fact that the guardian appointed by the British Consulate by agreement with the French Consulate has been forcibly ejected by some French citizens, and that the French authorities have so far refused to afford any redress in the matter.

Her Majesty's Government, however, do not doubt that the French Government, well informed of the case, will be willing to afford redress for these violent and illegal proceedings on the part of some of their citizens to the detriment of a British subject in the Regency, and for the affront which appears to have been offered to Her Majesty's Consulate there.

I have, &c.
(Signed) LYONS.

No. 7.

Sir J. Pouncefote to Mr. Richards.

Sir,

Foreign Office, July 4, 1883.

I AM directed by Earl Granville to acknowledge the receipt on the 21st ultimo of your letter requesting that Her Majesty's Consular officers in the territories adjacent to Sûs may be instructed to afford the agents of the North African Trading Company every assistance to enable them to increase their trade.

I am, in reply, to refer you to the letter addressed to the North African Trading Company by this Department on the 12th December, 1881, and to express to you Lord Granville's regret that he is unable to modify the decision arrived at with reference to the proceedings of the Company in the territories of the Sultan of Morocco.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 8.

Earl Granville to Sir J. Drummond Hay.

(No. 30.)

Sir,

Foreign Office, July 5, 1883.

I TRANSMIT herewith, for your information, copies of a letter from the Sûs and North African Trading Company,* and of my reply, declining to modify the decision arrived at by Her Majesty's Government in 1881 with reference to the proceedings of the Company in the territories of the Sultan of Morocco.†

I am, &c.
(Signed) GRANVILLE.

No. 9.

Sir R. Morier to Earl Granville.—(Received July 6.)

(No. 107.)

My Lord,

Madrid, June 28, 1883.

SIR JOHN DRUMMOND HAY having been good enough to send me copies of his despatch No. 49 of the 13th instant to your Lordship, and its inclosures,‡ I asked the Marquis de la Vega de Armijo yesterday whether he had received any communication from Tangier on the subjects treated of by Her Majesty's Minister in that despatch. I observed that Sir John Drummond Hay, whose experience and knowledge of Moorish affairs were quite exceptional, looked at the present situation in very sombre colours, and did not hesitate to affirm that, unless energetic measures were promptly taken to bring about the joint execution by all the foreign Representatives at Tangier of the Convention of Madrid, that instrument would become a dead letter.

I perceived from the *procès-verbal* of the meeting of the 29th ultimo that a proposal had been suggested, and had met with strong support, to the effect that an appeal should be made to the Spanish Government, as that of the country which had presided at the Madrid Conference, to remind the Signatories of the Convention of the engagements taken by them on that occasion, and I could not but think that some step in this direction had become necessary in view of the threatened substitution for the Madrid Convention of the principle that each Government should insist on obtaining for its own

* See Part IV, No. 128.

No. 7.

‡ This refers to the representation from Cid Bargash to the foreign Representatives respecting the unsatisfactory state of the question as to protection and taxation.—T. G. S.

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nationals all the privileges extorted, in violation of the Convention, by those Powers who no longer observed it.

I had no instruction to speak to his Excellency, but I could not but place before him the strong opinion which was held on the subject by Sir John Drummond Hay.

The Marquis de la Vega de Armijo said that he had received Señor Diosdado's Report of the meeting of the 29th ultimo, which was exactly in the same sense as that of Her Majesty's Minister. The case seemed hopeless and desperate, and he did not see, if some of the Powers most interested in Morocco were determined on preventing the execution of the Convention, how they could be induced to act in a different manner. The suggestion of the Spanish Minister that the Spanish Government should call on the other Signatories to fulfil their engagements was undoubtedly a good one. He would give to the matter his serious consideration, and lay the case before the Cabinet Council.

The tone of his Excellency was, I thought, extremely desponding, and did not inspire me with the idea that he thought much could be done.

I have, &c.
(Signed) R. B. D. MORIER.

No. 10.

Sir R. Morier to Earl Granville.—(Received July 6.)

(No. 108. Confidential.)

My Lord,

Madrid, June 29, 1883.

IN the course of my conversation with the Minister of State yesterday on the subject of Morocco I asked his Excellency what progress was being made by the Commission charged with determining the locality to be ceded on the west coast of Morocco to Spain. He said that no progress was being made, and that nothing could be behaving worse than the Moorish Government were in this matter.

The Commission had a distinct work appointed to them—that of determining some convenient spot between Cape Ghir (marked on the Map as Santa Cruz de Agadir) and the River Draa, the southernmost recognized frontier of Morocco. Whilst so employed (as I understood his Excellency), the Moorish Government offer a locality for settlement at Port Cansado, a spot between the River Draa and Cape Juby, that is, outside the Moorish territory, and close to the British Settlement at the latter place, the *raison d'être* of whose existence is that it is situated in no-man's-land, and that it was made without the consent of the Moorish Government. The Spanish Government having, accordingly, a perfect right to establish themselves there without asking the consent of the Moorish Government, in the same manner as Mr. McKenzie had done, the offer of Port Cansado was one, not only which the Spanish Government could not accept, but which it seemed clear to me that the Minister did not a little resent.

I asked the Marquis de la Vega de Armijo to point out to me on the Map where the Mar Pequeña of the Treaty was situated, and he brought out a Map, on which he searched for a long time, but without result. He then fully admitted that when the Treaty was concluded no attempt was made to fix the locality, and that when some years later a Commission had been sent in search of it, the weather having been too rough to allow of its landing, they had determined generally from on board ship the longitude and latitude of where it was most likely to be.

His Excellency then told me, with much irritation, that after keeping two companies of infantry in the Canaries since the winter to hoist the Spanish standard when the spot was found, and after the Commission had been kept many weeks on the coast at great expense, the latter had now separated, and it was announced that the Moorish Commissioner meant to come to Madrid to appeal to the Spanish Government in person. Should his Excellency be officially informed of this intention, he would state most distinctly that the Commissioner could not be received, as the Spanish Government had only to deal with the Moorish Government, and he did not consider that there was any question for discussion, as the Moorish Government had a certain clear task to fulfil, and the Spanish Government would insist on their fulfilling it.

His Excellency expressed the wish that all he had said on this subject should be regarded as strictly confidential.

I should add, in conclusion, that his Excellency said that the Spanish Government were quite as desirous as that of Her Britannic Majesty that the Sultan should himself open a port for legitimate trade on that coast, and that he believed their intention was to

do so at Santa Cruz de Agadir. The Government of His Catholic Majesty had no wish whatever to throw difficulties in their way by proposing this as the site of the harbour to be ceded.

I have, &c.
(Signed) R. B. D. MORIER.

No. 11.

Sir J. Pouncefote to Mr. M. de J. Levy.

Foreign Office, July 6, 1883.

Sir,

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 29th ultimo, calling attention to your claim against the French Government on account of the occupation by the French military authorities at Gabes of a house and adjacent ground belonging to you, and soliciting the assistance of Her Majesty's Government with a view to obtain a speedy settlement.

In reply, I am to acquaint you that on the 4th June Her Majesty's Agent and Consul-General at Tunis communicated to the French Minister Resident a copy of the Memorial drawn up by Mr. Broadley on your behalf, and his Lordship is now awaiting the reply of the French Government.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 12.

Sir J. Drummond Hay to Earl Granville.—(Received July 7.)

(No. 55.)

My Lord,

Tangier, June 29, 1883.

THE accompanying map has been traced by Mr. Herbert White from a printed one, which was put into my hands the other day. It was, I presume, printed by the North African Soos Company, who, it will appear, are misled by their agent, Mr. Curtis, or other person, to suppose that a Concession has been made to that Company of a site for a port, and that, according to the map, they have selected Ifni, or Port Hillsborough. I showed the map to Cid Mohammed Bargash; he said that no such Concession has been made by the Sultan, though the opinion of Englishmen or other Europeans may have been asked regarding the site to be selected where shipping would be enabled to communicate with the land.

As to any Concession being made by the Chiefs of tribes in Soos, he said it was out of the question to suppose that it would be acknowledged by the Moorish Government, and that the Sultan had already sent a body of troops to be stationed at Tizneet to put a stop to smuggling transactions, such as those which have been conducted by Mr. Curtis, and he added that if, after the repeated warnings that have been given, Mr. Curtis or other agent of the North African Soos Company land again on the coast without the authority of the Government, they would do so at the peril of their lives.

Mr. Bensaud, a partner in the firm of Messrs. Shuttleworth and Company of London, called on me yesterday, and informed me that he desired to make an offer, on the part of his firm, to advance money to build a port on the Soos coast, if the Sultan required funds to carry out this purpose, and that he proposed to visit the Moorish Court, when the Sultan arrived at Fez, to make the offer.

I replied that I saw no objection, though I did not suppose the Sultan would accept the offer, and that, under any circumstances, no especial privilege for trade could be ceded to their Company or to any other person on that account, as Treaty engagements with Great Britain and all foreign Powers entitled the merchants of every nation to be placed on an equal footing.

Mr. Bensaud informed me that, when M. Gambetta was Minister for Foreign Affairs, he had visited the Soos coast in a French steamer in company with M. Cohen, a French merchant, who resides at Marseilles, and does a large business with Morocco, and that propositions had been put forward for opening a trade with the inhabitants, and obtaining from them the cession of a port, but that it had been subsequently abandoned. He informed me that he had had an interview with M. Gambetta, when he was Minister, and that M. Gambetta had observed to him that he should have wished to give the

support of the French Government to the project, but that their hands were full on account of the Tunis question.

Mr. Bensaud's statements may or may not be correct, but it would appear from information I had received* that some intrigue had been going on at that time by the French with the Chief Cid Hashem.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 12.

Map of Sûs, showing the Coast Line granted to the Concessionnaires from which to choose a place for a Port.

No. 13.

Sir J. Drummond Hay to Earl Granville.—(Received July 7.)

(No. 56.)

My Lord,

Tangier, June 29, 1883.

THE Spanish Commissioners, who had been dispatched to the Soos coast to fix on the site of Santa Cruz de Mar Pequeña in company with the Moorish Commissioners, have arrived at Tangier.

As far as I can learn no agreement as to the site has yet been come to, for the Spanish Commissioners finding that Puerto Cansado,† latitude 28° north, which the Sultan offers, and which is, I believe, the site, or in the neighbourhood of the ruins of Santa Cruz de Mar Pequeña, as laid down in a Spanish map in a work called "Guia del Oficial en Marruecos," by Don Serafin E. Calderon, Auditor-General de Ejército.‡

On the other hand, the Spanish Commissioners finding that Ifni, or Port Hillsborough,† latitude 29° 10' north, is more eligible in every respect, claim it as the site for the Spanish port or fishery ceded by Treaty.

A fresh reference will, I understand, be made to the Government at Madrid; but I hardly expect that any final understanding will be come to, unless the Sultan, apprehending a rupture of relations, has to give way to menace or pressure on the part of the Spanish Government. Up to the present time the negotiation has been conducted on both sides, as far as I can learn, in a friendly manner.

Whatever may be the result, I am convinced that the Spanish Government will discover, when it is too late to recede, that a very heavy expenditure will have been incurred without the slightest real benefit to Spanish interests, except that of satisfying the clamour of the Spanish press and of the inhabitants of the Canary Islands, who expect that the port to be ceded may become an important mart for that Colony; whereas, if the Treaty is properly carried into execution, it can only be used as a fishery, and not as a port for trade.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 14.

Mr. M. de J. Levy to Lord E. Fitzmaurice.—(Received July 7.)

My Lord,

59, Fenchurch Street, London, July 5, 1883.

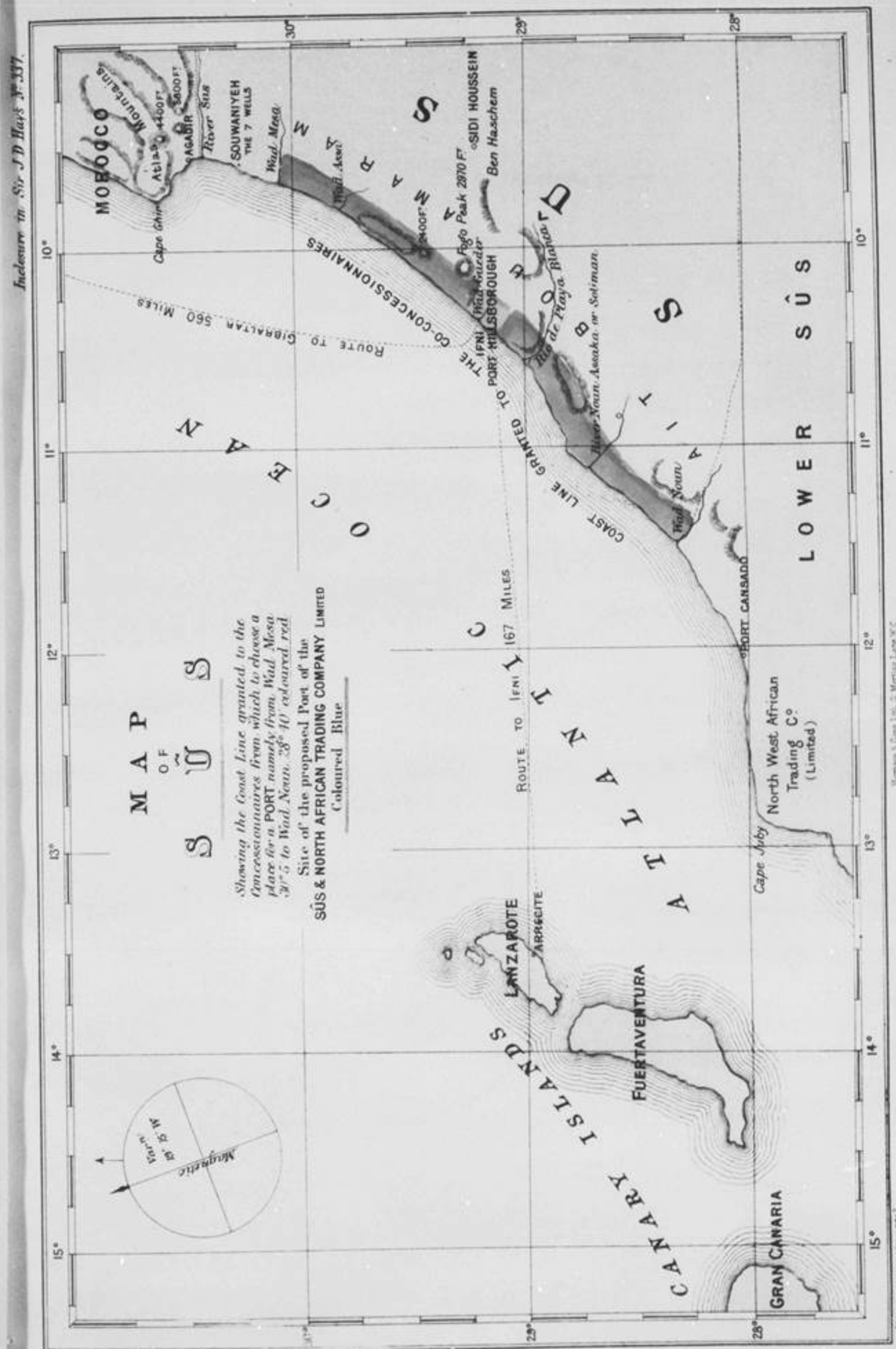
REFERRING to the letter which I had the honour to address on the 29th ultimo to Earl Granville, on the subject of my claims on the French Government arising out of the occupation of my store and land at Gabes, my counsel, Mr. A. M. Broadley, having arrived from Tunis, I have to ask your Lordship to be good enough to receive him, in order that he may lay my case more fully before you.

I have, &c.
(Signed) M. DE J. LEVY.

* See Part IV, No. 61.

† See Map in No. 12.

‡ Published in Madrid by D. J. Boix in 1844.



Mr. Broadley to Lord E. Fitzmaurice.—(Received July 7.)

My Lord,

13, King's Bench Walk, Temple, July 5, 1883.

AS I am counsel for General Hamida Ben Ayad and Mr. M. Levy in two cases referred from Tunis to the Foreign Office, I venture to inform your Lordship of my presence in London, in case I might be able to give verbally any further explanation of the matters in question.

In case I could do so, I should be glad to wait upon your Lordship at any time you might be pleased to appoint.

I am, &c.
(Signed) A. M. BROADLEY.

Earl Granville to Viscount Lyons.

(No. 674.)

My Lord,

Foreign Office, July 9, 1883.

I HAVE to state to your Excellency that I approve of the note which you have addressed to the French Government, a copy of which is inclosed in your Excellency's despatch No. 415 of the 3rd instant, protesting against the forcible possession taken by certain French citizens of a piece of ground in Tunis placed in charge of a watchman attached to Her Majesty's Consulate-General, and which is claimed by General Cid Hameida Benaguel.

I am, &c.
(Signed) GRANVILLE.

Mr. Reade to Earl Granville.—(Received July 10.)

(No. 13.)

(Telegraphic.)

Tunis, July 9, 1883.

A MALTESE British subject named Giovanni Mangano was arrested yesterday by French soldiers, and is detained in custody by the French military authorities. A demand I have made for his delivery into the [custody] of Her Majesty's [Consulate] has been rejected. The incident has given rise to much excitement in the European colony, the Consulate premises being invaded by Maltese, demanding immediate liberation of the prisoner.

Earl Granville to Sir J. Drummond Hay.

(No. 32.)

Sir,

Foreign Office, July 10, 1883.

I TRANSMIT to you herewith, for your information, copy of a despatch from Her Majesty's Minister at Madrid upon the subject of the protection of Moorish subjects by the foreign Representatives in Morocco.*

I am, &c.
(Signed) GRANVILLE.

No. 19.

Earl Granville to Sir J. Drummond Hay.(No. 33. Confidential.)
Sir,*Foreign Office, July 10, 1883.*

I TRANSMIT to you herewith, for your confidential information, copy of a despatch from Her Majesty's Minister at Madrid upon the subject of the negotiations between Spain and Morocco to determine the site of Santa Cruz de Mar Pequeña.*

I am, &c.
(Signed) GRANVILLE.

No. 20.

Sir J. Pauncefote to Mr. M. de J. Levy.

Sir,

Foreign Office, July 10, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 5th instant, requesting that your counsel, Mr. Broadley, may be received at this Office in order that he may make a fuller statement of your claim against the French authorities in Tunis, which has been already brought to Lord Granville's notice by Her Majesty's Representative in that Regency.

As you are probably aware, Mr. Broadley has himself offered to attend at this Office with this object, and he has been informed, in reply, that the matter referred to is before the French Government, and that if, on receipt of their reply, it should be deemed necessary to communicate with him or with yourself personally, you will receive an intimation to that effect.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 21.

Sir J. Pauncefote to Mr. Broadley.

Sir,

Foreign Office, July 10, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 5th instant, in which you express your readiness, as counsel for General Hamida Ben Ayad and for Mr. M. Levy, to attend at this Office to give further explanations in regard to the claims of these individuals, which have been brought to Lord Granville's notice by Her Majesty's Representative in Tunis.

I am now to inform you that the matters referred to are before the French Government, and that if, on receipt of their reply, it should be deemed necessary to communicate personally with yourself or with Mr. Levy, you will receive an intimation to that effect.

A communication in the above sense has also been addressed to Mr. Levy.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 22.

Captain Tryon to Mr. Currie.—(Received July 11.)

My dear Currie,

Admiralty, July 9, 1883.

I HAVE received the inclosed.

I find in my notes, which are verified by those independently made by my Secretary, that this man Samut claimed 8,790 piastres, and 3,000 piastres were awarded him.

It is a coincidence that the sum awarded exactly agreed with what was suggested to me as a fair sum by the independent sources which I consulted without the Commission.

I have not a copy of the paper on which each claimant put forward his claim, but

* No. 10.

you have it; it is with other papers in the box I sent. A reference to that will further prove the case.

Shall I reply as suggested? I may add something to it if you think well.

Yours, &c.
(Signed) G. TRYON.

Inclosure 1 in No. 22.

Genesio Samut to Captain Tryon.(Translation.)
(Extract.)*Sfax, June 27, 1883.*

I, THE Undersigned, have the honour to inform you that, according to your orders, I forwarded to Her Majesty's Agent and Consul-General at Tunis two letters which, unfortunately remaining unanswered up to date, I now take the liberty to inclose in copy for further remarks and explanations, as well as nine certificates giving the evidence promised for my justification, confirming the genuineness and honesty of my claim, on which ground I flatter myself that, having given these documents your attention, you will find them consistent with my assertion as to what was inserted in my claim, that, either by forgetfulness or for other motives unknown to me, the two last items mentioned in my claim (5,700 piastres goods in store, and 3,000 piastres travelling expenses) were alone taken into consideration, all the others being excluded, and of this puerile sum he was pleased to cut off the larger item of 5,700 piastres, which reduces my indemnity to about 6 per cent. of my total claim of 47,424 piastres, a sum not adequate as a compensation to the enormous losses suffered by me and my numerous family.

After the event it will be permitted to observe that, if in your important and delicate mission as Representative and defender* of the losses suffered by the unfortunate British subjects during the sack of Sfax, if, to conclude the matter with that energy and justice which the occasion demanded, it was indispensable to have exact investigations, in such a case certainly you ought not to have permitted that the parties interested should be excluded from the interrogations, which would have been without doubt indispensable in important business; but if, for motives unknown to me, it is believed inadvisable to adopt similar measures of precaution, which would have been opportune, as has been done repeatedly with the other claimants, in that case I should have been able to prove the losses I claimed; but now, since that has not been rigorously fulfilled, at least, if you had directed Signor Emmanuel, Barrister-at-law, to give you, at your request, a full and satisfactory report, at the time when you asked him for information with respect to shops and jars full of olive oil, it is certain that the above mentioned lawyer would have conscientiously declared what he knew with regard to the position of the claimants; wanting which, Mr. Roben believed it prudent to say nothing, instead of which information was preferred which was given you by partial persons, whose object was only to insure their own interests. If that had not happened, it is certain that you would not have confined yourself to allowing your claimant the insignificant sum of 3,000 piastres as a total compensation for his losses.

If His Highness the Bey or his officers had not despotically inserted in the official journal of Tunis, in consequence of the events at Sfax, announcing to the claimants that if they did not apply for the sums assigned them, as a simple gratification, by the 24th instant, the sums in question would lapse to the Beylical Treasury, your claimant would have abandoned the whole.

If the puerile sum, I repeat, of about 6 per cent. of the whole amount claimed (47,424 piastres) was my own property, and not belonging to my miserable children, I would, as a man of honour, have taken the liberty of forwarding it to your Lordship, with a request that it might be equally distributed among my suffering English fellow-countrymen.

Hoping, therefore, to be able to console my miserable family in the wretched state in which they are at present by the news that, after a rigorous examination, through your Lordship's well-known influence, a sum proportionate to his losses suffered has been assigned to him, as has been assigned to many other claimants, as has been stated in the official Tunis journals, &c.

* Sic.

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Inclosure 2 in No. 22.

Draft of Reply from Captain Tryon to Genesio Samut.

I HAVE received your letter and appeal against the award made you.
I note you have also written to Her Majesty's Consul-General, which was the more proper course.

No. 23.

Count Nigra to Earl Granville.—(Received July 11.)

My Lord,

London, July 10, 1883.

THERE results, I trust, from the exchange of ideas which has recently taken place between the Government of the King and that of the Queen, a substantial conformity of views on the part of the two Governments upon the reservation respecting the inviolability of private domicile and the immunity of Consular residence in Tunis. The intention of the King's Government is to reserve all the rights and immunities and privileges which the Treaties, the Capitulations, and usage accord to the Italian subjects and to the Italian Consular officers in Tunis. With regard, however, to the inviolability of private domicile and to the immunity of Consular residence, including the right of asylum, the King's Government admits that this should be maintained only with the limitations necessary for the free exercise of the jurisdiction which is to succeed the actual Consular jurisdiction. The King's Government admits accordingly that "when in a criminal matter, or in pursuance of a sentence passed in Court, or of a warrant of arrest or other order regularly issued in cases permitted by law, it is requisite to proceed to the arrest of an Italian subject, or to the search of the private house of an Italian subject, such acts shall be considered authorized. But the Consul should previously be invited to be present at them, or to send his representative. If, then, the individual sought by the judicial authority should have taken refuge in the Consular residence, the Consul, in pursuance of the request made to him by the judicial authority aforesaid, should expel the refugee from the Consular residence."

Such are the views of the King's Government upon this matter, and I am charged by his Excellency Signor Mancini, to communicate the precise terms to your Excellency.

I should be grateful, my Lord, if you would kindly inform me whether the Queen's Government concurs in these views, and whether it considers that, in the answer to be given to the French Government, it would be preferable to detail the particulars above enumerated, or to give only the generic formula, that is, that the immunities reserved can be in no way an impediment to the regular course of justice.

Thanking you beforehand for the answer which you may be pleased to give me on this subject, I have, &c.

(Signed) NIGRA.

No. 24.

Earl Granville to Viscount Lyons.

(No. 682. Ext. 18.)

My Lord,

Foreign Office, July 11, 1883.

I INCLOSE the decypher of a telegram from Her Majesty's Agent and Consul-General at Tunis, reporting the arrest of a Maltese named Giovanni Mangano, and the refusal of the French authorities to hand him over to Mr. Reade,* and I have to request that your Excellency, in bringing this case to the notice of the French Government, will inquire the grounds upon which Mr. Reade's request for the surrender of the man was refused.

I am, &c.
(Signed) GRANVILLE.

* No. 17.

No. 25.

Earl Granville to Mr. Reade.

(No. 4.)

(Telegraphic.)

Foreign Office, July 11, 1883, 5 P.M.

YOUR telegram No. 13.

For what offence was Giovanni Mangano arrested, and on what ground do French military authorities claim jurisdiction?

No. 25*.

Earl Granville to Mr. Reade.

(No. 13. Ext.)

Sir,

Foreign Office, July 11, 1883.

I HAVE requested you to-day by telegraph to report what offence Giovanni Mangano is charged with, as well as the grounds on which the French military authorities claim jurisdiction in the matter.

I am, &c.
(Signed) GRANVILLE.

No. 26.

Petition from Captain Carmelo Tabone.—(Received July 12.)

To the Right Honourable Earl Granville, Knight of the Most Noble Order of the Garter, Her Majesty's Principal Secretary of State for Foreign Affairs, &c.

The humble Petition of Captain Carmelo Tabone, living at Valletta, Malta, No. 101, Strada San Paolo, attorney for Capitan Salvatore and Emmanuele Tabone, late of Sfax,

Respectfully sheweth:

THAT on the 25th June, 1881, when the Arab insurgents pillaged the town of Gabez, in Tunis, the said Capitan Salvatore and Emmanuele Tabone were compelled, for the safety of their lives, to abandon the city, leaving behind them a great quantity of stores in their warehouses, which were entirely sacked by the Arabs;

That the said Salvatore and Emmanuele Tabone entered a protest on the 1st September, 1881, in the Britannic Consular Agency of Gabez, copy of which is annexed herewith marked (a), and formed an inventory which was duly deposited in that Agency (b), showing that the value of the goods lost by them amounts to 15,806 Tunisian piastres;

That the said Salvatore and Emmanuele Tabone, before leaving the city, deposited the keys of their warehouses in the hands of the French Consul;

Wherefore your Lordship's petitioner humbly requests that Her Majesty's Government, who feel a deep interest for the welfare of the British subjects, will give the necessary steps to enable him to recover the amount of the said damages from the French Government or other responsible authority.

And, as in duty bound, your petitioner will ever pray.

(Signed) CARMELO TABONE.

No. 27.

Mr. Reade to Earl Granville.—(Received July 13.)

(No. 14.)

(Telegraphic.)

Tunis, July 12, 1883.

YOUR Lordship's telegram of this day.

The Maltese referred to was arrested after altercation with a French military officer in a crowd at railway station. The ground on which jurisdiction is claimed by French military officers is stated in letter of [? French Chargé d'Affaires] of which a copy is inclosed in my despatch No. 34 of yesterday, and relates to dignity and security of French army.

F. O. 403/25

BE REPRODUCED PHOTOGRAPHICALLY WITHOUT PERMISSION OF THE PUBLIC RECORD OFFICE, LONDON

Mr. Reade to Earl Granville.—(Received July 13, 5.30 P.M.)

(No. 15.)
(Telegraphic.)

Tunis, July 13, 1883, 12.20 P.M.

MANGANO was arrested by the French military authorities for attempting to defend himself against a French officer who assaulted him. Particulars are given in my despatch No. 33 of the 11th instant.

No. 29.

Earl Granville to Sir J. Drummond Hay.

(No. 34.)

Sir,

Foreign Office, July 13, 1883.

I TRANSMIT to you herewith, for your information, copy of a letter from Mr. J. Curtis relative to his intention to carry on trading operations in Sus as agent for the Sus and North African Trading Company, together with a copy of my reply.*

I am, &c.

(Signed) GRANVILLE.

No. 30.

Sir J. Pauncefote to Sir F. Reilly.

SIR J. PAUNCEFOTE presents his compliments to Sir F. Reilly, and is directed by Earl Granville to transmit to him herewith, for his information, the papers named in the margin,† relative to the question of the jurisdiction of the new French Courts in Tunis.

Foreign Office, July 13, 1883.

No. 31.

Sir J. Pauncefote to Mr. Curtis.

Sir,

Foreign Office, July 13, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 29th ultimo, having reference to your intention to carry on trading operations in Sus as agent for the Sus and North African Trading Company.

In reply, I am to inform you that an answer has been returned to the representation of the Company, which was placed in Lord E. Fitzmaurice's hands on the 21st ultimo, and I am now to refer you to that reply, as it conveys Lord Granville's decision upon the subject treated of in your letter now under acknowledgment.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 32.

Rosa Mangano to Earl Granville.—(Received July 14, 6 P.M.)

(Telegraphic.)

Tunis, July 14, 1883, 12.15 P.M.

I AM the wife of Giovanni Mangano, British subject, who was arrested by the French military authorities for trying to defend himself against a French officer who had wounded him with sword. To-day visited my husband in prison; told me he had scarcely any food since two days; he is without [? medical] assistance, and in a most deplorable condition. I beg your Excellency to give instructions for the protection of your subject, being innocent and of irreproachable conduct.

* Nos. 2 and 31.

† See Part IV, Nos. 81, 127, and 129; and *ante*, No. 5.

No. 31*.

Viscount Lyons to Earl Granville.—(Received July 14.)

(No. 432.)

My Lord,

Paris, July 12, 1883.

I HAVE the honour to transmit to your Lordship a copy of a note, in the terms of your Lordship's telegraphic instruction of last evening, which I have addressed to the French Government on the subject of the refusal of the French military authorities at Tunis to hand over to Her Majesty's Agent and Consul-General, a British subject, a native of Malta, arrested by them on the 8th instant.

I have, &c.

(Signed) LYONS.

Inclosure in No. 31.*

Viscount Lyons to M. Challemel-Lacour.

M. le Ministre,

Paris, July 12, 1883.

MR. READE, Her Majesty's Agent and Consul-General at Tunis, has reported to Her Majesty's Government that, on the instant, a British subject, a native of Malta, was arrested by French soldiers, and has been kept in custody by the French military authorities, a demand made by Mr. Reade, for his being delivered into the charge of Her Majesty's Consulate, having been rejected.

In obedience to instructions which I have received from Her Majesty's Government, I have the honour to bring this case to the notice of the French Government, and to ask your Excellency for information as to the grounds for the rejection of the request of Her Majesty's Agent and Consul-General, that the prisoner should be delivered to him.

I have, &c.

(Signed) LYONS.

No. 34*.

Viscount Lyons to Earl Granville.—(Received July 16.)

(No. 441.)

My Lord,

Paris, July 14, 1883.

WITH reference to your Lordship's telegram No. 18 of the 11th instant, and to my despatch No. 432 of the 12th instant, I have the honour to transmit herewith to your Lordship a copy of a note which has been addressed to me by M. Challemel-Lacour respecting the Maltese arrested at Tunis and kept in custody there by the French military authorities.

The note states that, according to the first information on the matter which has reached the French Government, the Maltese was arrested for an attack ("voies de fait") upon a captain attached to the Staff of the French army, and it argues that this constitutes an offence committed in a foreign country against a person attached to an army occupying that country, and that, consequently, according to international law, the offender is subject to the jurisdiction of the Military Tribunals of that army.

"Il s'agit donc d'un acte délictueux commis sur territoire étranger à l'encontre d'une personne attachée à un corps d'armée d'occupation, et qui, d'après les règles consacrées par le droit international, rend l'auteur justiciable des Tribunaux militaires de ce corps."

I have, &c.
(Signed) LYONS.

Inclosure in No. 34*.

M. Challemel-Lacour to Viscount Lyons.

M. l'Ambassadeur,

Paris, le 14 Juillet, 1883.

LE 12 de ce mois votre Excellence m'a fait l'honneur de m'écrire relativement à un sujet Anglais, originaire de Malte, qui a été arrêté à Tunis le 8 Juillet et retenu par l'autorité militaire Française, bien que l'Agent et Consul-Général de Sa Majesté eût demandé que le prisonnier fût remis au Consulat. Vous exprimiez en même temps le désir d'être informé des motifs qui n'ont pas permis de prendre cette demande en considération.

Les rapports détaillés que j'attends sur cette affaire ne me sont pas encore parvenus. Toutefois, d'après les premiers renseignements transmis par notre Résident, le Maltais dont il s'agit a été arrêté pour voies de fait contre un capitaine attaché à l'État-Major de notre armée. Il s'agit donc d'un acte délictueux commis sur territoire étranger à l'encontre d'une personne attachée à un corps d'armée d'occupation, et qui d'après les règles consacrées par le droit international, rend l'auteur justiciable des Tribunaux militaires de ce corps. C'est dans cet ordre d'idées, purement juridique, qu'ont été puisés, sans doute, les motifs de la décision prise par l'autorité militaire. Il est à peine besoin de dire que le procès sera régulièrement suivi dans les formes et avec toutes les garanties que la loi Française assure à nos nationaux eux-mêmes. Votre Excellence peut être convaincue que rien ne sera négligé de notre part pour assurer dans les conditions les plus favorables le règlement de ce regrettable incident, dans lequel le Gouvernement de Sa Majesté verra, comme nous, une nouvelle preuve de l'intérêt qu'il y a pour maintenir l'ordre et prévenir le retour de semblables difficultés, à ce que nous soyons le plus promptement possible en mesure de faire prévaloir l'établissement définitif de la juridiction Française dans la Régence.

Veuillez, &c.
(Signé) P. CHALLEMEL-LACOUR.

[1445]

E†

No. 33.

Earl Granville to Rosa Mangano.

(Telegraphic.)

Foreign Office, July 14, 1883, 6.15 P.M.

CASE is occupying careful attention of Her Majesty's Government.

No. 34.

Sir J. Drummond Hay to Earl Granville.—(Received July 16.)

(No. 59. Confidential.)

My Lord,

Tangier, July 9, 1883.

WITH reference to the despatches marked in the margin* on the subject of the site which the Spanish and Moorish Commission have been directed to fix on for the fishery ceded to Spain by Treaty, I have the honour to transmit herewith extracts from a private letter I yesterday addressed to Sir R. Morier on this subject.

The Spanish Government is, I understand, much displeased that the Sultan should have offered for the fishery the site of Puerto Cansado,† as it is beyond the frontier of His Majesty's acknowledged dominions; and the Marquis de Armijo observed, with some reason, that they could take possession of Cansado, as Mackenzie had done at Cape Juby, without asking the permission of any one.

The French map of Renou, published in Paris in 1845, fixes Mar Pequeña, or little sea, as being close to Cansado, and on the map an inland sheet of water, representing the Mar Pequeña, is given. I think it is very probable that the fishery of Santa Cruz de Mar Pequeña was situated there, and as the Sultan lays claim to all that territory, I am not surprised that he offered to cede that particular site, and never supposed he would thereby give offence.

Under any circumstances, however, I think it is most desirable that the Spanish fishery should be contiguous to one of the new ports which the Sultan intends to open for trade, for the reasons which I have given to Sir R. Morier.

I have been informed, confidentially, that the Spanish Government would learn with satisfaction, when a suitable site for the fishery is fixed on by the Commission, that the Sultan will open an adjoining port for trade; but I received a hint that it is advisable that they should not know at Madrid that I had approved and supported this suggestion, or they might be led to oppose it, from the supposition that some other motive than that of my desire to see this question settled in an amicable and satisfactory manner had led me to support it.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 34.

Sir J. Drummond Hay to Sir R. Morier.

(Private.)

(Extract.)

Tangier, July 8, 1883.

I AGREE with you in thinking that the Spanish Government have good grounds for complaint at the offer of Puerto Cansado, but I understand that the Sultan is under the impression that this was the site of Santa Cruz de Mar Pequeña, the fishery in the time of Charles III. In the map published in the "Guia del Oficial en Marruecos," the site is fixed a little to the south of Wad Noon. The Sultan has no maps, and is in utter ignorance of geography, so there is some excuse for him. Moreover, he claims to be Sovereign over all the territory between Wad Drâa and Cape Juby, and has made a dozen protests since Mackenzie went there, which I have forwarded to the Foreign Office. If the Sultan will only hasten to open a port in the extreme southern confines of his dominions that are acknowledged, i.e., Wad Drâa, I have reason to believe that Mackenzie and the North African Company would be disposed to sell their establishment at Cape Juby or to abandon it; for the traffic, which now passes to them through Soos, would be stopped. The Sultan is building a fortress at Tizneet, and has sent troops to garrison it. Tizneet is some distance to the

* See Part IV, Nos. 29, 85, 100, 145, and 147; and ante, No. 12.

[1445]

† Lat. 28° north.

F

north-east of Ifni, or Port Hillsborough, one of the few sites on the exposed coast south of Agadir, where vessels can communicate in very fine weather with the shore, and where potable water is to be found.

Before I received your letter of the 4th July and inclosure, I had a conversation with Bargash about the conduct of the Moorish Commissioners and the offer of Cansado, and I told him that I feared the Spanish Government would turn crusty and even aggressive if the Sultan did not meet their reasonable demand by selecting a site within the acknowledged dominions of His Majesty. I said that I believed the site they coveted was Ifni, or Port Hillsborough, latitude $29^{\circ} 10'$ north, where there is water, and where vessels can communicate with the shore in very fine weather. I acknowledged that it is not the site of Santa Cruz de Mar Pequeña, and that it appeared to me to be the most eligible site on the coast for the Sultan to open a port in addition to Santa Cruz de Agadir, which is too far north to benefit the inhabitants of the southern districts of Soos and their aspirations for trade, which, if not satisfied, would lead them to encourage the North African Company or others in their smuggling transactions. I observed to Bargash that the cession of Ifni as a fishery, and the opening of a Moorish port to the trade of all nations could be combined; for the Sultan could even put forward this arrangement as a proof of his good-will by saying that his aim in having the port contiguous to the fishery was to give better security to the Spanish inhabitants against the tribes, to enable them to obtain all the provisions they required from the port, whilst guards would be placed to prevent the people of the district from carrying on trade except through the Moorish port and custom offices.

Bargash was pleased with the suggestion, and asked me to give him a note of it, which I have done, to be forwarded to the Sultan. In fact, this advice was given by me years ago to the Sultan, though I did not then mention Ifni as the site to be selected, but I always advised that a port should be opened, when the fishery might be ceded, wall to wall. It would be a check against the aggressions of the tribes, and also against attempts hereafter of the Spaniards using the fishery as a fulcrum for extending territorial possessions on that coast, and against, as I have said, making use of the fishery as a trading port to the prejudice of the Sultan's Customs.

I daresay the rabid press in Spain and the Canaries, overlooking the fact that the cession by Treaty is for a fishery, will raise an outcry against their being prevented making use of the fishery for trade. The Government at Madrid must know, however, that if the fishery is opened for trade it would merely become an emporium for British goods, French sugar, &c., and that what Soos produces is not required by Spain, and would therefore all go to England and France.

P.S.—June 9. Since I wrote the foregoing I have seen a map, "Carte de l'Empire du Maroc, par E. Renou, Membre de la Commission Scientifique d'Algérie: Paris, 1845." In latitude $28^{\circ} 10'$ north Porto Cansado is marked, and near it Mar Pequeña, so-called from the small sea or lake, which is marked clearly on the map. This is evidently the site of Santa Cruz de Mar Pequeña. I have never understood before why it bore that name. It is exactly opposite the Canary Islands.

Try and get the map from Paris, and exhibit it to the Spanish Minister.

No. 35.

Sir J. Drummond Hay to Earl Granville.—(Received July 17.)

(No. 60.)

My Lord,

Tangier, July 10, 1888.

WITH reference to my despatch No. 59 of yesterday's date, regarding the dispute that has arisen between the Spanish and Moorish Governments respecting the site of Santa Cruz de Mar Pequeña, the ignorance displayed by the Spanish Government as to the locality of their ancient possession, and the displeasure they have manifested that the Sultan should have offered Puerto Cansado, I have the honour to transmit extracts, which, it appears to me, leave little doubt that Puerto Cansado was the establishment formed in 1476 by Herrera, and that the sheet of water marked in the map of Renou, and said to be about two miles square, is the Mar Pequeña.

I beg to call your Lordship's attention also to the extract from Kerballet, where it is stated that Cape Bojador (latitude $25^{\circ} 10'$ north) is the frontier of Morocco. I have on several occasions mentioned to your Lordship that, though Wad Drâa has always been regarded by the British Government and by many of the other foreign Powers as

the southern boundary of Morocco, the Sultan insists in asserting that he is Sovereign over the tribes dwelling to the south of Cape Juby. Kerballet appears to support this claim.

The Spanish Government, had they taken any pains in procuring information regarding the disputed site, could have referred to the works of which I transmit extracts. I regret that I do not possess the Journal of the Geographical Society, which contains the survey in 1835 by Lieutenant Arlett.

There is also a work, "De la Pêche sur la Côte Occidentale d'Afrique, par M. Berthelet, avec une Carte par MacCarty," which I do not possess, but which may throw further light on this subject.

I see no reason, however, for withdrawing from the advice I had offered to this Government to cede Port Hillsborough or any other site for the Spanish Fishery, with the understanding that the Sultan should open a port to trade adjoining the ceded territory.

I transmit an extract from M. Renou's works regarding this site, which, he says, was called Hillsborough, from the fact of a Scotchman of that name having founded an establishment there. Great Britain might perhaps have an equal right to Spain to reclaim this site, which, however, I may observe, would be most impolitic and unprofitable, as I have no doubt Spain will ere long discover the coveted Fishery will prove to be.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 35.

Extract from "Exploration de l'Algérie par ordre du Gouvernement. Description Géographique de l'Empire du Maroc, par E. Renou. Paris, Imprimerie Royale, 1846." (Page 82.)

EN 1476 Diego de Herrera, Seigneur Espagnol, héritier des Canaries, avait fondé sur cette côte un établissement nommé Santa Cruz de Mar Pequeña ou de Mar Menor. Cet établissement, qui ne subsista que jusqu'en 1524, est indiqué pour la première fois que je sache dans la carte de Juan de la Cosa, dessinée vingt-quatre ans après sa fondation. Les anciennes cartes placent au tiers ou moitié de la distance qui sépare le Cap Noun du Cap Bojador,* tantôt au fond d'un golfe, tantôt à l'embouchure élargie d'une rivière. Il me semble très probable que ce port n'était autre que le golfe déterminé par Mr. Arlett, et indiqué avant lui par Purdy dans son Mémoire sur l'Océan Atlantique.†

Inclosure 2 in No. 35.

Extract from "Manuel de la Navigation à la Côte Occidentale d'Afrique; par M. de Kerballet. Paris, Imprimerie Administrative, Rue de Grenelle St. Honoré, No. 45. 1851."

L'ENFONCEMENT circulaire nommé Porto Cansado a 2 milles de profondeur sur 2 milles de largeur, mais son entrée est étroite et barrée par des brisants, qui doivent rarement permettre d'y pénétrer. Une hauteur tabulaire de 120 mètres se trouve entre le port et les terres élevées de l'intérieur.

Le Cap Bojador est à 25 milles du faux cap dans l'ouest 40° sud. C'est à ce cap que finit le Maroc. (P. 243.)

Inclosure 3 in No. 35.

Extract from "Description Géographique de l'Empire du Maroc; par E. Renou." (Page 83.)

ZAMAIM, Samoin, Firmam, ou encore Luana, d'après Sansan, à moitié chemin de Meça (Massa) au Cap Noun. Cela pourrait être le Porto Requela des pêcheurs des Canaries, dont le véritable nom est Isgueder (Gueder) d'après le "Journal de Davidson"

* This would fix it at Cansado or Mar Pequeña, as marked in Renou's map.—J. H. D. H.
† See "Journal of the Royal Geographical Society of London," vol. vi, p. 298.

(p. 176). C'est un petit port au fond duquel se jette le Ruisseau Edaoguma.* C'est le Port Hillsborough où un Écossais avait fondé un petit établissement il y a environ quatre-vingts ans.

No. 36.

Mr. Reade to Earl Granville.—(Received July 17.)

(No. 33.)

My Lord,

Tunis, July 11, 1883.

WITH reference to my telegram No. 13 of the 9th instant, reporting the arrest of a British subject named Giovanni Mangano by the French military authorities, and the refusal of the latter to accede to my demand for his transference to the charge of Her Majesty's Consulate, I have the honour to furnish your Lordship with the following particulars of the case.

The said Giovanni Mangano was one of a crowd of people who had collected in front of the booking-office of the Italian Railway Station, and were struggling for precedence in the order in which the tickets were being issued. He appears to have come into bodily contact with a French officer named Captain Nicolas, and some angry words spoken by the officer provoked an immediate rejoinder from the other. Words were followed by a succession of cuffs, which the captain discharged upon the head of his victim, and the latter was, at the same moment, laid hold of by a number of other French officers and soldiers who were present, and rendered incapable of even the slightest opposition or violence. In this situation of helplessness he was, according to the testimony of eye-witnesses, the object of a renewed onslaught by the Captain, who drew his sword and cut him across the head with it. Some of the bystanders now interfered and separated the parties, but the Maltese remained a prisoner, and was conducted in a bleeding state to the military guard-house, on the way to which he appears to have made a supreme effort to get free, but was overpowered and carried away.

All this took place in the afternoon of Sunday the 8th instant.

On the following morning I called on Baron d'Estournelles, and, while assuring him of my desire, by some friendly settlement of the affair, to avoid carrying the question which had now been raised as to the precise jurisdiction to which the prisoner Mangano is amenable further than it appeared to me the circumstances merited, informed him that it was, on the other hand, my duty to demand that the prisoner be restored to the charge of Her Majesty's Consulate, conformably with the prescriptions of our own Treaty, and with those of the Treaty of Casr-el-Said. Whatever, I added, may have been the offence the prisoner committed, the castigation he had received was surely more than sufficient to justify his liberation.

The Baron replied that he was as anxious as I was to arrive at an amicable solution, but that, after a discussion he had had with General Forgemol on the subject, he found it was absolutely impossible to prevent the case going through the regular course of procedure by court-martial. The version which he had himself received, and which he upheld, of the affair, was so manifestly inaccurate and exaggerated that I felt any further discussion of the case was useless. Returning, therefore, to the Consulate, I repeated in a written form the request I had verbally made for the British subject to be given up into my charge. A copy of my note to Baron d'Estournelles I beg herewith to inclose.

Although forty-eight hours have passed since this communication was addressed, no reply beyond the verbal one already related has reached me from the Baron.

It is scarcely necessary I should state that, except among the French themselves, the high-handed action of the military has, in the present instance, given rise to feelings of very general excitement and indignation. Among the Maltese, the ferment is perhaps greater now than it has been at any time since the country was militarily occupied. Nobody, they say, is any longer safe against military arrest, and consequences, such as have resulted to Giovanni Mangano, who, I should not omit to remark, has hitherto been known as a peaceable industrious and well-to-do subject.

On arriving at my official residence on Monday morning, I found the premises invaded by a numerous and excited throng of Maltese and other British subjects, who insisted upon seeing me, and demanded the immediate liberation of Giovanni Mangano. Replying to their appeals, immediately after my interview with the French Chargé d'Affaires, I told them the matter would be referred to Her Majesty's Government, and

* Lat. 29° 10' N.

that it was necessary, in the meanwhile, to submit to the will of the ruling authorities. No good, I said, could come out of a noisy or turbulent demonstration, and I prevailed upon them to quietly disperse. Later in the day, a deputation of these British subjects returned, with a numerous signed Petition of protest against the arrest of the said Giovanni Mangano, a translation of which I have the honour to herewith transmit.

From some of the gentlemen who were present and witnessed the disturbance at the railway station, I have received declarations as to what took place, and of these I beg also to inclose a copy.

Having stated the case as fairly as it is in my power to do, I submit it with confidence to your Lordship's consideration.

I do not presume, my Lord, to offer an opinion as to the course which it may become necessary to adopt under the circumstances; but I trust I may be permitted to remark upon the injurious effect that is certain to result to British interests in this part of the world, if something is not done to shew that the jurisdiction which the French military authorities have in certain cases assumed over British subjects in Tunis is not acquiesced in.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 36.

Mr. Reade to the Baron d'Estournelles.

Tunis, July 9, 1883.

Sir,

IT having come to my knowledge that a British subject, named Giovanni Mangano, was arrested yesterday by a French military force and continues to be detained in the custody of the military authorities of your nation, I have the honour to request that, inasmuch as British subjects are by Treaty amenable to no other jurisdiction in this country than that of Her Britannic Majesty's Consulate, you will have the goodness to direct that he be immediately transferred to the custody of this Office.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 36.

Petition of British Subjects protesting against Arrest and Imprisonment of Giovanni Mangano by French Military Authorities.

(Translation from the Italian.)

The humble Petition of Rosa, the wife of Giovanni Mangano, Giuseppe, Gaetano, and Carmelo, the sons of the said Giovanni Mangano, and of the Undersigned, British subjects.

Humbly sheweth:

THAT the said Giovanni Mangano, while taking a ticket for the Goletta at the Italian Railway Station yesterday afternoon was, without any reason whatever, shamefully struck on the face, beaten, and wounded with a sword by a French officer.

That the French authorities, instead of punishing the officer, have arrested the Maltese, although wounded, conveying him to the military barracks as if he were a convict, and this in a manner that little becomes a civilized nation.

The arbitrary and despotic manner with which the French authorities have up to this day acted when dealing with the property and liberty of pacific citizens, British subjects, has caused a great deal of ill-feeling in their colony in this Regency. Therefore the petitioners avail themselves of this opportunity to beg you will submit to the Government of Her Gracious Majesty the unfortunate condition and grave peril which menace the British colony in this Regency. Apprehension is daily increasing in the minds of some 16,000 Maltese who reside in this Regency, seeing, as they do, that their rights and liberty are not safe, notwithstanding the Treaties between England and the Local Government are still in force. British justice is not in a position to protect them, and the condition in which your faithful subjects will find themselves will be deplorable indeed if the magnanimous Great Britain and the paternal English Government were deaf to the prayers of its subjects, and handed them over into the hands of the French

Government by revoking the said Treaties. A great part of the landed property in this Regency belongs to British subjects, 16,000 of whom have emigrated to this country.

Your petitioners therefore humbly beg you will act energetically with the French authorities, so that their fellow-countrymen be given up to the British authority and justice be done.

(Then follow 82 signatures, as written in the Italian version.)

Tunis, July 9, 1883.

Inclosure 3 in No. 36.

Declaration of David Cardoso.

M. DAVID CARDOSO, an Italian subject residing at Tunis and by profession a lawyer, having been duly sworn, declared as follows:—

"On Sunday last, the 8th instant, and at about 4 o'clock in the afternoon, I was making the best of my way towards the ticket-office of the Italian Railway Station, for the purpose of taking a ticket for a train that was on the point of leaving for the Goletta. There was a great crowd, and I was pushed about like the rest of the people. Close to me, I saw a French military officer, Captain Nicolas by name, whom I knew only by sight. While the crowd was pressing on, this officer suddenly turned round, and after saying something I did not understand to a man who was standing close to him, hit him two or three blows in the face with his fist. What the man had said or done I know not, but I concluded that he had annoyed the Captain by pushing him. The man withdrew a short distance from his assailant, who continued the attack by kicking him in the hinder part of his body. I was on the point of taking my ticket when, turning my head round, I saw the Captain draw his sword and strike the man with it on the head. I drew near to the Captain and, perceiving that blood was streaming down the man's face, could not restrain my feelings any longer. I reproached the Captain severely for what he had done, and words passed between us which resulted in nothing. I then returned to the ticket-office, took my ticket, and immediately after started by the train. The Captain also took his ticket, and proceeded by the same train.

"What took place afterwards, as far as the man who had been beaten and slashed with the sword is concerned, I did not see."

On being asked whether he had seen the man (Giovanni Mangano) hit the Captain or do anything in his defence, the declarer replied "No; I was even astounded that he bore everything so patiently. It may be that at the moment of my turning away to get my ticket he may possibly have done something, but, if so, it could only have been after receiving the Captain's blows."

Declared and sworn, in accordance with an invitation to that effect from the Italian Consulate-General, at Tunis, this 10th day of July, 1883.

(Signed)

DAVID CARDOSO.

Sworn before me at Tunis this 10th July, 1883.

(Signed)

THOS. F. READE,

Agent and Consul-General.

Inclosure 4 in No. 36.

Declaration of Felice Bensasson.

M. FELICE BENSASSON, Italian subject and merchant, residing at Tunis, having been duly sworn, declared as follows:—

"I was at the Italian Railway Station on Sunday afternoon, the 8th instant, taking my ticket for a train on the point of departure for the Goletta. There was a great crowd of people pushing each other and trying to obtain tickets. I heard a great noise, and, turning round, saw the Maltese (Giovanni Mangano) held down in the midst of the crowd, and in a condition of complete helplessness, while Captain Nicolas, a French officer, was striking him repeated blows on the head with his fist. The Captain then drew his sword and struck the Maltese a blow with it on the head. Blood flowed from the Maltese's head immediately after the sword cut was given. M. David Cardoso then went up to the Captain and told him he ought to be ashamed of what he had done.

Words were then exchanged between the two. I returned to the ticket office and then to the train, and proceeded to the Goletta. When I left the Maltese was still in the custody of some French officers and soldiers."

(Signed)

FELICE BENSASSON.

Sworn before me at Tunis, this 10th July, 1883.

(Signed)

THOS. F. READE,

Agent and Consul-General.

Inclosure 5 in No. 36.

Declaration of Alessandro Pas.

M. ALESSANDRO PAS, Italian subject and merchant, residing at Tunis, having been duly sworn, declared as follows:—

"I was at the Italian Railway Station on Sunday afternoon, the 8th instant, taking my ticket for a train on the point of departure for the Goletta. There was a great crowd of people pushing each other, and trying to obtain tickets. I heard a great noise, and, turning round, saw the Maltese (Giovanni Mangano) held down in the midst of the crowd, and in a condition of complete helplessness, while Captain Nicolas, a French officer, was striking him repeated blows on his head with his fist. The Captain then drew his sword and struck the Maltese a blow with it on his head. Blood flowed from the Maltese's head immediately after the sword-cut was given. M. David Cardoso then went up to the Captain and told him he ought to be ashamed of what he had done. Words were then exchanged between the two. I returned to the ticket office and then to the train, and proceeded to the Goletta. When I left the Maltese was still in the custody of some French officers and soldiers."

(Signed)

ALESSANDRO PAS.

Sworn before me at Tunis, this 10th day of July, 1883.

(Signed)

THOS. F. READE,

Agent and Consul-General.

Inclosure 6 in No. 36.

Declaration of Giuseppe Barrago.

(Translation from the Italian.)

I, THE Undersigned, solemnly declare on oath that yesterday afternoon, at about 4 P.M., I was at the Italian Railway Station, and saw Giovanni Mangano trying to take a ticket, when a French officer pushed him and, after saying to him, "Bougre de cochon," gave him a blow on the face. He (the French officer) afterwards unsheathed his sword, struck the Maltese on the head, and wounded him. I saw the Maltese immediately afterwards seized by four French soldiers. The officer went away. Then another French cavalry soldier tried to strike the Maltese with his sword, but the Maltese, in self-defence, got hold of the soldier and threw him down. Then a number of other military men caught hold of the Maltese and beat him. This is all I know.

(Signed)

GIUSEPPE BARRAGO.

Sworn before me at Tunis, this 10th day of July, 1883.

(Signed)

THOS. F. READE,

Agent and Consul-General.

No. 37.

Mr. Reade to Earl Granville.—(Received July 17.)

(No. 34.)

My Lord,

SINCE posting my despatch No. 33 of this day, with regard to the arrest by French military authorities of a British subject named Giovanni Mangano, I have received the French Chargé d'Affaires' reply to the demand I had addressed to him for

Tunis, July 11, 1883.

delivery of the said British subject into my charge. A copy of the French communication is herewith respectfully inclosed.

It will be seen that, while confirming the reply he had already given to me verbally, Baron d'Estournelles endeavours to show that the special case of Giovanni Mangano does not affect the question of Consular jurisdiction or Treaty rights.

It does not appear, however, why, except in a state of siege, Tunis should be treated differently from other countries where civilians offending against the military are prosecuted before the ordinary local Tribunals.

I have, &c.
(Signed) THOS. F. READE.

Inclosure in No. 37.

The Baron d'Estournelles to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, le 10 Juillet, 1883.
AINSI que j'ai eu l'honneur de vous le dire hier, de vive voix, il ne me paraît pas possible de demander à M. le Général-en-chef de mettre en liberté le Sieur Mangano Giovanni, ou de le livrer au Tribunal Consulaire dont il relève; nous n'entendons, cependant, tout au contraire, porter par ce fait aucune atteinte au régime des Traités qui ont été jusqu'à ce jour observés en Tunisie. C'est précisément parce qu'il en respecte au plus haut point la validité que le Gouvernement de la République a entamé des négociations pour en faire abroger celles des dispositions qui ne sont plus d'accord avec l'exercice de notre Protectorat.

Mais nous nous trouvons, dans le cas actuel, en présence d'une situation tout à fait spéciale; il ne s'agit pas d'un délit commis contre un Français, contre un simple particulier, mais contre un officier de notre armée. Or, les Tribunaux Militaires sont seuls juges des délits qui compromettent la dignité ou la sécurité de notre corps d'armée d'occupation, quelle que soit la nationalité du délinquant; des Capitulations locales ne sauraient apporter d'exception à ce principe.

J'attendrai donc le résultat de l'instruction qui est ouverte relativement à cette affaire et ce n'est que dans le cas où les charges ne seraient pas jugées suffisantes pour nécessiter des poursuites que le Sieur Mangano sera mis en liberté.

Agréé, &c.
(Signé) P. D'ESTOURNELLES.

No. 38.

Rosa Mangano to Earl Granville.—(Received July 18.)

(Telegraphic.) Tunis, July 18, 1883, 5-20 P.M.
I AM sorry to trouble your Excellency, but my husband always prisoner, whilst French officer who wounded him left Tunis at large. French authorities will not permit me any more to visit prisoner. I solicit your Excellency's benevolence in favour prisoner.

No. 39.

Sir J. Drummond Hay to Earl Granville.—(Received July 19.)

(No. 62.)
My Lord, Tangier, July 12, 1883.
WITH reference to my despatch No. 55 of the 29th ultimo regarding the conduct of the agents of the North African Soos Company, I have the honour to transmit extracts from letters addressed to me by Her Majesty's Consul at Mogador.

It is a matter for regret that the agents of this Company should hoist the British flag on the Sultan's territory over goods landed in contravention of the Customs laws. The reports received require confirmation, though I should not be surprised to learn that the Sultan is taking active measures to put a stop to smuggling on the part of the agents of the North African Soos Company or others.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 39.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, July 4, 1883.
I HEAR that a new Prospectus of the Soos and North African Company has been issued, calling attention to the fact (?) that a port is now established and trade going on regularly, and, I believe, calling for more money.

Inclosure 2 in No. 39.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, July 6, 1883.
I HAVE to inform you, confidentially at present, that I believe the agent here of the Soos and North African Company have received news that "everything has been eaten" down at Erksheesh (i.e., I suppose, goods left there plundered or seized), and that a soldier of the Sultan (Askari) has been killed by a native employé of the Company, a "Sahib James."

Just before receipt of this startling news the last report was that all was quiet, the goods and tent left there untouched, and the British flag still flying.

No. 40.

Sir J. Drummond Hay to Earl Granville.—(Received July 19.)

(No. 63.)

My Lord,

Tangier, July 12, 1883.
WITH reference to the instructions conveyed to me in your Lordship's despatch No. 22 of the 2nd ultimo, I have the honour to transmit copy of a letter addressed to me by Mr. Lapeen, the Vice-Consul at Daralbaida, offering further explanations how it came to pass that he had inserted in his list the names of two Moorish farmers as his domestic servants.

I do not consider Mr. Lapeen's explanations satisfactory, and I have been assured by the French Minister that the statement he makes regarding five French merchants employing twenty-seven protected agents is not correct. French or other foreign merchants doing a large business, who have "comptoirs" or houses of business at other ports than those at which they reside, are entitled to two protected agents at each port, and Mr. Lapeen would be equally entitled to employ more than two semsars if he had a house of business at any other port.

Wealthy Moorish farmers who obtain protection are a source of emolument to the Europeans who employ them, and on this account Mr. Lapeen, like other foreign merchants similarly situated, desires to retain their services.

Mr. Lapeen is constantly involved in questions with the Moorish authorities regarding claims on account of the persons under his protection. There is no doubt that great abuses are committed by foreign subjects which are tolerated by this Government as their remonstrances to the Representatives have hitherto been disregarded. If we allow British subjects to practise the same abuses, on account of their being entitled to be placed on the same footing as the subjects of the most favoured nations, vexatious questions and claims, which already give infinite trouble, will increase in proportion to the protection which is extended.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 40.

Vice-Consul Lapeen to Sir J. Drummond Hay.

Sir,

Daralbaida, June 30, 1883.
I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 16th instant, inclosing the copy of one received from Lord Granville referring to the appointment of country Moors as servants, and in which his Lordship demands
[1445] H

for me to furnish further explanations of the grounds on which protection is extended to them.

By the Madrid Convention of 1880 the number of samsars is limited to two for all merchants "en gros;" this limitation puts them to great inconvenience, because the number is not sufficient for those merchants who have to attend to an extensive business, and all British merchants are in this position.

In my despatch of the 31st January last I accompanied a note of samsars employed by the subjects of other nations, and I called your Excellency's attention to the fact that whilst six British merchants here only employed twelve natives as samsars, five French ones employed twenty-seven, and that the business of our nationals, both in imports and exports, was more important than that of all other nations put together; with the object of compensating this, and of securing the position of men which I am forced to employ, I have inserted their names as servants in Consular lists, but they have been employed with the duties of samsars.

I have, &c.
(Signed) JOHN LAPEEN.

No. 41.

Earl Granville to Viscount Lyons.

(No. 702.)

My Lord,

Foreign Office, July 19, 1883.

I HAVE received your Excellency's despatch No. 432 of the 12th instant, and have to state to you, in reply, that I approve the terms of the note which you have addressed to the French Government, inquiring why Giovanni Mangano, a Maltese, was detained in custody by the French military authorities at Tunis, although Her Majesty's Agent and Consul-General had requested that the prisoner might be delivered up to him.

I am, &c.
(Signed) GRANVILLE.

No. 42.

Earl Granville to Viscount Lyons.

(No. 704.)

My Lord,

Foreign Office, July 19, 1883.

WITH reference to your despatch No. 441 of the 14th instant, and to previous correspondence respecting the case of Giovanni Mangano, the Maltese now in the custody of the military authorities at Tunis, in consequence of an affray with a French officer at the railway-station, I now transmit to your Excellency copies of two despatches from Mr. Reade, containing further particulars of this case, and forwarding the depositions of various persons who witnessed the assault committed upon the Maltese.*

I have to request that your Excellency will call the attention of the French Government to the conduct of the French officer, as revealed in these despatches, and that you will urge that an inquiry shall be instituted at once by the military authorities on the spot, as Her Majesty's Government can hardly believe that, if the facts of the case are correctly reported, he has not been guilty of a gross infraction of military discipline in drawing his sword and wounding a defenceless inhabitant in consequence of a mere altercation such as is described by the witnesses.

I have further to request that your Excellency will apply for access to the prisoner being granted to his wife, who, as it appears from the telegram of which I annex a copy,† is no longer allowed to visit him.

Your Excellency will, in making this application, explain that the very important question of jurisdiction which is raised by this occurrence is engaging the careful attention of Her Majesty's Government, and will form the subject of further correspondence.

In the meanwhile, Her Majesty's Government would be glad if the French Government could see their way to the liberation of the prisoner, pending further inquiries, in view of the personal injuries he has received at the hands of the French officer, and the grave question which has arisen as to jurisdiction.

I am, &c.
(Signed) GRANVILLE

* Nos. 36 and 37.

† No. 38.

No. 44*.

Viscount Lyons to Earl Granville.—(Received July 19.)

(Telegraphic.)

Paris, July 19, 1883, 6 P.M.

MINISTER for Foreign Affairs informs me that the Maltese arrested at Tunis on the charge of having struck a French officer has been released without being brought up for trial "par Arrêt de non-lieu," it having appeared that at the time he was intoxicated and hardly responsible for his actions, and the imprisonment he had already undergone having been taken into consideration.

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No. 43.

Earl Granville to Mr. Reade.

(No. 5.)

(Telegraphic.)

Foreign Office, July 19, 1883, 5 P.M.

INFORM wife of Mangano that Her Majesty's Ambassador at Paris will be instructed to request that she may be allowed access to her husband.

No. 44.

Sir J. Pauncefote to Captain Tryon.

SIR JULIAN PAUNCEFOTE presents his compliments to Captain Tryon, and, in reply to his letter to Mr. Currie of the 9th instant, is directed by Earl Granville to say that his Lordship approves the reply which Captain Tryon proposes to return to Genesio Samut, one of the Sfax claimants.

The draft reply and Samut's letter are herewith returned.

Foreign Office, July 19, 1883.

No. 45.

Mr. Reade to Earl Granville.—(Received July 20.)

(Telegraphic.)

Tunis, July 19, 1883.

MANGANO has been set at liberty by French military authorities.

No. 46.

Reply to the Memorandum annexed to the Letter from the Foreign Office of June 20, 1883.—(Communicated to Earl Granville by Count d'Aunay, July 20.)

Loi du 27 Mars, 1883.

ARTICLE 2. L'Article 2 de la Loi du 27 Mars, 1883, rattachant le Tribunal de Tunis au ressort de la Cour d'Appel d'Alger, il en résulte que cette Cour connaîtra des appels interjetés contre les Jugements du Tribunal de Tunis. Aux termes de l'Article 7 de la même Loi, les règles de Procédure actuellement en vigueur en Algérie s'appliqueront dans cette circonstance.

Art. 4. En ce qui concerne les causes criminelles, le droit d'appel proprement dit n'existe pas dans tous les cas en France. Il faut distinguer suivant qu'il s'agit de délits justiciables du Tribunal Correctionnel ou de crimes justiciables de la Cour d'Assises. Dans le premier cas seul on peut en appeler. La Cour d'Appel est alors compétente comme en matière civile ou commerciale. Les Jugements prononcés par le Tribunal de Tunis statuant au correctionnel pourront donc faire l'objet d'un appel devant la Cour d'Alger.

En matière de crimes où les Cours d'Assises sont compétentes, il n'y a pas d'autre recours possible contre leurs décisions qu'un pourvoi en Cassation pour violation de la loi. Il en sera de même à Tunis dans le cas où le Tribunal assisté d'Assesseurs constitue une véritable Cour d'Assises. Le pourvoi à la Cour de Cassation de Paris sera introduit sous les mêmes formes qu'en France et en Algérie.

Des mesures d'atténuation ou de remise de peine pourront être prises en Tunisie à la suite des Jugements correctionnels ou criminels du Tribunal, comme en France, par le Président de la République.

Art. 5. L'Arrêt de renvoi d'un accusé devant la Cour d'Assises est un acte d'instruction rendu par la Cour d'Appel, en dehors de l'accusé, sur le vu des pièces d'information. Le sujet Britannique arrêté sous l'inculpation d'un fait qualifié crime, ne sera pas transporté à Alger, mais il attendra à Tunis le moment de comparaître devant le jury, si la Chambre des Mises en Accusation de la Cour d'Appel d'Alger ordonne, sur le vu des pièces d'instruction, son renvoi devant les Assises.

Il y a là une garantie pour l'accusé qui ne peut être renvoyé aux Assises que s'il y a contre lui, d'après les renseignements de l'instruction, présomption suffisante de

culpabilité. Cet examen doit être fait par des magistrats différents de ceux qui ont réuni ces renseignements.

Art. 10. L'Arrêté du 26 Novembre, 1841, établit en Algérie des défenseurs mandataires autorisés à représenter les parties devant les Tribunaux.

Les défenseurs remplissent, en même temps, les fonctions d'avoués et celles d'avocats. Ils joignent la postulation à la plaidoirie.

Le rôle des avocats Anglais, exerçant actuellement à Tunis et qui seront, par Décret, autorisés à exercer la profession de défenseurs, ne pourra donc être restreint mais bien plutôt étendu. Le titre de défenseur va être accordé à trois avocats Anglais par un Décret déjà préparé.

Décret du 14 Avril, 1883.

Art. 9. § 3. La Loi du 27 Mars, 1883, n'établit ici qu'une règle absolue, c'est que les accusés Français seront jugés par des Assesseurs Français. Pour le reste elle a délégué au Gouvernement le soin d'organiser par Règlement d'Administration Publique les détails de l'organisation du Tribunal d'Assesseurs. C'est ce qui a été fait par le Décret du 14 Avril, 1883. Ce Décret a consacré, au profit des étrangers, une garantie qui consiste à composer les Assesseurs moitié de Français, moitié d'étrangers, ainsi que cela c'est pratiqué longtemps en Angleterre pour le jury. C'est une faveur pour les étrangers; il n'est pas douteux que ceux-ci peuvent y renoncer et demander l'application du droit commun.

Observations générales.

En ce qui concerne le régime de la propriété immobilière et l'application des lois qui s'y réfèrent, aucune modification n'est apportée au régime antérieur, les Tribunaux Français étant simplement substitués aux Tribunaux Consulaires: il n'est rien changé aux conditions et règles des contrats; aucune atteinte n'est portée aux droits acquis ni au régime institué par la Convention du 10 Octobre, 1863.

Rien ne sera changé à la situation des protégés. Ils se trouvent seulement, comme les sujets Britanniques eux-mêmes, justiciables des Tribunaux Français.

Le maintien des immunités et privilèges en faveur des Agents Consulaires et de leur résidence résulte d'un ensemble de règles internationales auxquelles il n'est pas question de déroger en quoi que ce soit.

No. 47.

Mr. Keade to Earl Granville.—(Received July 23.)

(No. 18.)
(Telegraphic.)

LAWYERS are not permitted to plead at the French Courts, unless they take the following oath:—

"I swear obedience to the Laws, Ordinances, Decrees, and Regulations in force in Tunis."

As in the case of British subjects this form appears to clash with their oath of allegiance to the Queen, I am requested by some of those who are especially interested in the matter to refer to your Lordship for the opinion of Her Majesty's Government.

No. 48.

Earl Granville to Mr. Plunkett.

(No. 716.)
Sir,

I HAVE received Lord Lyons' despatch No. 456 of the 20th instant, referring to the case of the Maltese, Giovanni Mangano, who was arrested in Tunis by the French military authorities, and suggesting that, in consequence of the release of the prisoner, which was effected prior to my instruction to his Excellency No. 704 of the 19th instant, it might, for reasons which his Excellency explains, be advisable to postpone acting on that part of the instruction which relates to an inquiry into the conduct of the French officer, the remaining point, an application to the French Government for the prisoner's wife to be allowed access to him having become unnecessary.

No. 46 A.

Viscount Lyons to Earl Granville.—(Received July 21.)

(No. 453.)

My Lord,

Paris, July 19, 1883.

IN the telegram, *en clair*, which is recorded in my immediately preceding despatch No. 452 of to-day, I had the honour to report to your Lordship the substance of information given to me by M. Challemel-Lacour, to the effect that the Maltese, Giovanni Mangano, had been released from custody at Tunis.

I have the honour to forward to your Lordship herewith a copy of the autograph letter by which his Excellency was so good as to convey this information to me.

I have, &c.

(Signed) LYONS.

Inclosure in No. 46 A.

M. Challemel-Lacour to Viscount Lyons.

Mon cher Lord,

Paris (no date, received July 19, 1883).

ON m'informe que le Maltais qui avait frappé un de nos officiers à Tunis dans la gare de la Goelette vient d'être mis en liberté à la suite d'un Arrêt de non-lieu. On a reconnu qu'il était à ce moment en état d'ivresse et à peine responsable de ses actes. On a tenu compte d'ailleurs de la détention qu'il a subie et qui a paru constituer une peine suffisante du délit commis par lui.

Je vous prie, &c.

(Signé) P. CHALLEMEL-LACOUR.

No. 46 B.

Viscount Lyons to Earl Granville.—(Received July 21.)

(No. 456.)

My Lord,

Paris, July 20, 1883.

I HAVE this morning had the honour to receive your Lordship's despatch No. 704 of yesterday, instructing me to address a representation to the French Government respecting the case of the Maltese, Giovanni Mangano, who was arrested at Tunis and kept in custody by the French military authorities.

Your Lordship's despatch has thus crossed the telegram No. 45 and the despatch No. 453, in which I reported to you yesterday that M. Challemel-Lacour had informed me that Giovanni Mangano had been set at liberty.

The applications which your Lordship instructs me to make, that Mangano's wife may have access to him, and that he may be set at liberty, would seem therefore to have become unnecessary. The release of Mangano does not, however, appear to affect the main request which I am directed to make, namely, that an inquiry into the conduct of the French officer who wounded Mangano may be instituted. Nevertheless, I think it will be expedient for me to postpone addressing the French Government until I receive instructions from your Lordship given after the receipt of my telegram of yesterday.

Mangano being at liberty, no injury can accrue to him from my postponing the representation for two or three days, while, on the other hand, the effect of it would be weakened if it appeared to be founded solely upon instructions issued by Her Majesty's Government before they were aware of the release of the prisoner.

I think it well, therefore, that further instructions from your Lordship should be awaited.

I have, &c.

(Signed) LYONS.

I approve of Lord Lyons having under the circumstances deferred taking any action on my despatch No. 704 of the 19th instant pending further instructions.

I have now to request that you will express to M. Challemeil-Lacour the satisfaction of Her Majesty's Government at the release of the prisoner Mangano by the military authorities, but you will, at the same time, communicate to his Excellency the substance of the evidence furnished to them by Consul Reade respecting the conduct of the French officer who drew his sword against the Maltese and wounded him in the head, a proceeding which brought forth remonstrances from the bystanders, and which certainly appears to have been quite unjustifiable. You will state that Her Majesty's Government would be glad to learn that an inquiry has been, or is about to be, instituted, into the conduct of the officer on this occasion, and you will add that the important question of jurisdiction raised in this case is engaging the careful attention of Her Majesty's Government, and will form the subject of further correspondence.

I am, &c.
(Signed) GRANVILLE.

No 49.

Question asked in the House of Lords, July 24, 1883.

Tunis Capitulations.

The Earl De La Warr,—To ask the Secretary of State for Foreign Affairs what steps have been taken with regard to the question of the Capitulations in the Regency of Tunis; also, to ask if information can be given relative to the reported arrest of a Maltese British subject at Tunis by the French military authorities; and to move an address for papers and correspondence.

Earl Granville, in answer to the first part of the question put by the noble Earl, said that the French Government had communicated with the British Government on the subject of the French criminal Tribunals in Tunis, and expressed a hope that Her Majesty's Government would waive their rights under the Capitulations so far as to allow English subjects to be brought under the jurisdiction of the French criminal Tribunals, just as French criminals were brought under the jurisdiction of English Tribunals in Cyprus. Her Majesty's Government replied that they had no objection to waive their claims to that extent, but they did not think it necessary to make any further changes in the absence of a general agreement among the other Powers represented in Tunis. With regard to the second part of the question, he had to say that it was true that a Maltese British subject was arrested by the French military authorities, and that, in the opinion of our Consul, the arrest was not justified by the circumstances. The prisoner had been wounded by a French officer. The Government telegraphed at once for an explanation both to Tunis and to Paris. The answer from the French Representative at Tunis, was that he had no wish to interfere with our Treaty rights, but this was a special case of an insult offered to a French officer. Instructions were also sent to Lord Lyons, but they were crossed by a communication containing the news that the prisoner had been released, on the ground that he had been sufficiently punished. Further communications were taking place between the French Government and Her Majesty's Government. There would be no difficulty about the publication of papers at the proper time.

No. 50.

Mr. Reade to Earl Granville.—(Received July 25.)

(No. 35.)
My Lord,

WITH reference to my telegram of yesterday, announcing the release of the British subject Giovanni Mangano, who had been arrested by the French military authorities and detained in their custody, I have the honour to transmit to your Lordship a copy of Baron d'Estournelle's letter informing me of the circumstance, and of my reply.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 50.

Baron d'Estournelles to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le Juillet, 1883.

J'AI l'honneur de vous faire savoir que les charges relevées contre le Sieur Mangano n'ayant pas été jugées par l'Instruction suffisantes pour motiver contre lui des poursuites judiciaires, une Ordonnance de non-lieu a été rendue en sa faveur.

Agréer, &c.

(Signé)

D'ESTOURNELLES.

Inclosure 2 in No. 50.

Mr. Reade to Baron d'Estournelles.

Sir,

Tunis, July 20, 1883.

I HAVE the honour to acknowledge your letter dated July 1883,* and informing me that, whereas the charges preferred against Giovanni Mangano have not been deemed sufficiently important to render any more formal judicial proceedings necessary, a Decree of "non-lieu" has been issued in his favour.

In making this acknowledgment, I feel it is my duty to do so under reserve, so far as regards the "instruction" or inquiry which you tell me has taken place, and which, according to Treaty and the comity of nations, is within the competence only of Her Majesty's Consular Court.

I have, &c.

(Signed)

THOS. F. READE.

No. 51.

Sir J. Pouncefote to the Law Officers of the Crown and Dr. Deane.

Gentlemen,

Foreign Office, July 25, 1883.

I HAVE the honour to transmit to you, by direction of the Secretary of State, the papers noted in the accompanying list,† which relate to the case of a Maltese British subject, Giovanni Mangano, who was arrested by the French military authorities at Tunis under the circumstances detailed in Consul-General Reade's despatch No. 33 (Print, p. 1).

It appears that Mangano was one of a crowd of persons who had collected at the booking-office of the Italian Railway Station, and were striving for precedence in obtaining their tickets, when he came into bodily contact with a French officer, Captain Nicholas.

An altercation ensued, followed by a succession of blows from the French officer upon the head or face of the Maltese, who was seized and rendered powerless by the French military present at the time. In this condition, according to the testimony of eye-witnesses, he was struck by the French Captain across the head with his drawn sword, and subsequently conveyed to the military guard-house.

Mr. Reade's demand that the prisoner should be handed over to the charge of Her Majesty's Consulate was refused, and he was informed by the French Representative that it was impossible to prevent the case going through the regular course of procedure by court-martial, whilst Baron d'Estournelles at the same time maintained that this case of Mangano does not affect the question of Consular jurisdiction or Treaty rights.

In reply to a representation which Lord Lyons was instructed to make on this subject to the French Government, the Minister for Foreign Affairs has replied, as you

* The day of the month does not appear.—T. F. R.

† Mr. Reade (Telegraphic), No. 13, July 9; to Mr. Reade (Telegraphic), No. 4, July 11; ditto (Telegraphic), No. 13, July 11; to Viscount Lyons (Telegraphic), No. 18, July 11; ditto, No. 682, July 11; Mr. Reade (Telegraphic), No. 14, July 12; ditto (Telegraphic), No. 15, July 13; Madame Mangano (Telegraphic), July 14; Viscount Lyons, No. 432, July 12; ditto, No. 441, July 14; Mr. Reade, No. 33, July 11; ditto, No. 34, July 11; Madame Mangano (Telegraphic), July 18; to Viscount Lyons, No. 702, July 19; to Mr. Reade (Telegraphic), No. 5, July 19; to Viscount Lyons, No. 404, July 19; Mr. Reade (Telegraphic), July 19; Viscount Lyons (Telegraphic), No. 45, July 19; ditto, No. 452, July 19; ditto, No. 453, July 20; ditto, No. 456, July 20; to Mr. Plunkett, No. 716, July 23, 1883; "Journal du Droit International Privé," Memorandum respecting outrages on foreigners and British subjects; Correspondence respecting the affairs of Tunis, 1881, pp. 45, 53, and 55; Treaties between France and Tunis, May 21, 1824, and August 8, 1830; Treaty between Great Britain and Tunis, July 19, 1875.

will see from the inclosure in Lord Lyons' despatch No. 441 of the 14th instant, that the attack by the Maltese on a Captain attached to the French army constitutes an offence committed in a foreign country against a person attached to an army occupying that country, and that consequently, according to international law, the offender is subject to the jurisdiction of the military Tribunals of that army.

The legal justification put forward by the French Government for this assumption of military jurisdiction over Mangano is supported in an article contained in the accompanying number of the "Journal du Droit International" (Nos. 9 and 10 of 1882, p. 511).

It appears, however, to Earl Granville that it may be urged that the French occupation of Tunis was effected on the express understanding that all the rights and privileges of foreigners would be respected, and that, even if martial law should be held to override the ex-territorial jurisdiction secured to foreigners in the Regency during actual hostilities or resistance to the military occupation, the reason of martial law has now ceased, and its continuance is inconsistent with the establishment of the French Protectorate and of French Tribunals, and of civil government by the French authorities.

If the plea advanced in the present case be admitted, there seems to be no reason why military jurisdiction should not prevail in numerous cases so long as the French have troops in Tunis, and, judging from the treatment received by Mangano, the question assumes considerable importance.

I am to request that you will take the papers transmitted herewith into your consideration, and that you will favour Lord Granville with your opinion on the validity, in point of law, of the grounds on which the French Government justify the action of their military authorities against Mangano, and with any general observations which you may have to offer on the case.

I am, &c.

(Signed)

JULIAN PAUNCEFOTE.

No. 52.

Mr. Plunkett to Earl Granville.—(Received July 26.)

(No. 472.)

My Lord,

Paris, July 25, 1883.

IN compliance with the instructions contained in your Lordship's despatch No. 716 of the 23rd instant, I called this afternoon on M. Challeme-Lacour, and expressed to him the satisfaction felt by Her Majesty's Government at the release by the French military authorities in Tunis of the British subject Giovanni Mangano.

At the same time I left with his Excellency an abstract, copy of which is herewith inclosed, of the evidence furnished to Mr. Reade respecting the conduct of the French officer who had drawn his sword on the Maltese and wounded him in the head, a proceeding which seemed to have been unjustifiable, and to have called forth remonstrances from the bystanders; and I said that, under the circumstances, Her Majesty's Government would be glad to learn that an inquiry had been, or would be, made into the conduct of the officer.

His Excellency replied that in cases of this kind there was usually a conflict of evidence, and it was difficult to get at the facts; but there would be no desire on the part of France to avoid inquiry into the conduct of the officer, and if such inquiry had not already been made, steps would be taken to make one.

I further informed his Excellency, as desired by your Lordship, that the question of jurisdiction raised in this case was engaging the careful attention of Her Majesty's Government, and would form the subject of future correspondence.

M. Challeme-Lacour implied his assent to this arrangement.

I have, &c.

(Signed)

F. R. PLUNKETT.

Inclosure in No. 52.

Memorandum.

M. DAVID CARDOVO, an Italian subject, resident at Tunis, and a lawyer by profession, stated that he was in a crowd close to the ticket-office of the Italian Railway

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Station, that he saw a French military officer, Captain Nicholas, whom he (Cardovo) knew by sight, after a short altercation of words with a man standing by, strike the man (Giovanni Mangano) several blows in the face with his fist. M. Cardovo had not seen the cause of the altercation and attack. The man attacked then withdrew to a short distance, followed by the officer, who was kicking him.

Cardovo then saw the officer draw his sword and strike the man on the head, upon which Cardovo went up to the officer and remonstrated with him. Words passed between them which resulted in nothing.

On being asked whether he had seen the man (Giovanni Mangano) hit Captain Nicholas or do anything in his defence, Cardovo replied, "No! I was even astounded that he bore everything so patiently. It may be that at the moment of my turning away to get my ticket he may possibly have done something, but, if so, it could only have been after receiving the Captain's blows."

The evidence of M. Felix Bensasson, an Italian subject and merchant resident at Tunis, bears out the evidence of M. Cardovo.

He states that he was at the station, where there was a great crowd of people pushing each other in their endeavours to obtain tickets. He heard a noise, and, turning round, saw the Maltese (Giovanni Mangano) held down in the midst of the crowd and in a condition of complete helplessness, while Captain Nicholas was striking him repeated blows on the head with his fist. Captain Nicholas then drew his sword and struck the Maltese a blow with it on the head; blood flowed from the head of Mangano immediately after the blow was given. M. Bensasson then saw M. David Cardovo go up to the French officer and remonstrate with him at his conduct.

The evidence of M. Alesandro Pas, an Italian subject and merchant resident at Tunis, was identical with that of M. Bensasson in every detail.

Giuseppe Barrago, an Italian subject resident at Tunis, states also that he was present at the railway-station on the occasion in question, and that he heard a French officer use a most offensive name to the Maltese Giovanni Mangano, and that he then saw the officer strike the Maltese a blow in the face.

The French officer afterwards unsheathed his sword and struck the Maltese on the head with it, inflicting on him a wound. The Maltese was immediately seized by four French soldiers.

Captain Nicholas then went away, and a French cavalry soldier tried to strike the Maltese with his sword, but the latter in self-defence got hold of the soldier and threw him down. Upon this several military men caught hold of Mangano and beat him.

No. 53.

Earl Granville to Mr. Plunkett.

(No. 736.)

Sir, *Foreign Office, July 26, 1883.*

IN the course of my conversation with the French Ambassador this morning, his Excellency alluded to the question of the new Tribunals established in Tunis, and said that he hoped that the answer which the French Government had returned to our inquiries on certain points had been found satisfactory.

I said that it was being examined by the technical advisers of the Government, and that I was not in a position to pronounce an off-hand opinion on the subject.

His Excellency said that he believed it would be found to correspond entirely with our views.

I then referred to the unfortunate question which has arisen with regard to the ill-treatment and arrest of a Maltese at Tunis.

M. Waddington said that the incident was an exceptional case, resulting from the regulations necessary when a place was in military occupation of an army. If an attack were made upon a British officer or soldier in Egypt, the British military authorities would claim the right of dealing with the offender.

I said that, without wishing at present to discuss the point of law, I felt quite convinced that, if a British officer in Egypt or elsewhere had drawn his sword on an unarmed civilian, and cut him across the head, he would be regarded as having committed a very serious offence, and be treated accordingly.

I am, &c.
(Signed) GRANVILLE.

No. 54.

Earl Granville to Mr. Fraser.

(No. 180.)

Sir,

Foreign Office, July 28, 1883.

THE Italian Ambassador called upon me this afternoon, and showed me a telegram which he had received from M. Mancini as to the oath required of foreign advocates before permission is granted them to practise before the new Tribunals in Tunis.

M. Mancini states that, according to the very precise accounts received from M. Raybach, the Italian Representative, the oath refers exclusively to the Laws, Decrees, and other measures in vigour "in Tunis." This being the case, and as M. Raybach pressed for an immediate answer, M. Mancini had replied that he saw no objection to the formula.

I said that, at first sight, the proposal did not seem to us to be free from objection, but that we had not yet given an answer.

I am, &c.
(Signed) GRANVILLE.

No. 54*.

Earl Granville to Mr. Plunkett.

(No. 733.)

Sir,

Foreign Office, July 30, 1883.

I APPROVE the representations which you have made to the French Minister for Foreign Affairs respecting the case of the British subject Giovanni Mangano, as reported in your despatch No. 472 of the 25th instant.

I am, &c.
(Signed) GRANVILLE.

No. 55.

Earl Granville to Count Nigra.

M. l'Ambassadeur,

Foreign Office, July 31, 1883.

I HAVE the honour to acknowledge the receipt of the note which you addressed to me on the 10th instant, stating what are the views of the Italian Government as to the reserves to be made in consenting to the wishes of the French Government in the matter of the withdrawal of Consular jurisdiction in Tunis, as regards the inviolability of private domicile and the immunity of the Consular residence in Tunis.

I have, however, to observe, in reply to your Excellency's inquiry, whether Her Majesty's Government agrees in the views of the Italian Government as set forth in your note above referred to, that they do not propose to claim for private individuals and their domiciles any exceptional immunities not enjoyed by French citizens, on the assumption, however, that the process of law is to be executed by French officials.

It appears to Her Majesty's Government that it would be wiser to adhere to the general language used in the note to M. Tissot of the 20th ultimo, and to particularize as little as possible, leaving any doubtful points to be arranged as they may arise with reference to the formula which Her Majesty's Government has adopted.

I have, &c.
(Signed) GRANVILLE.

No. 56.

Sir H. Elliot to Earl Granville.—(Received August 1.)

(No. 197.)

My Lord,

Vienna, July 16, 1883.

I SHOWED to Count Kálnoky your Lordship's note to M. Tissot of the 20th ultimo on the subject of the recognition of the French jurisdiction in Tunis.

His Excellency said that the draft of an answer to the French communication had been submitted to him by the Italian Government, but there were expressions in it of

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which he did not approve, while your Lordship's note was more courteous towards France, and at the same time contained all that it was necessary to say.

Count Kálnoky has since sent to ask me if I could let him have confidentially a copy of your Lordship's note, in order that he might make it the model for his own answer, and I have taken upon me to comply with his request.

I have, &c.
(Signed) HENRY ELLIOT.

No. 57.

Sir J. Drummond Hay to Earl Granville.—(Received August 1.)

(No. 65. Confidential.)

My Lord,

Tangier, July 22, 1883.

IN past despatches I have had occasion to mention to your Lordship that my French colleague, M. Ordega, is in the habit of being what he calls extremely frank and outspoken. He is certainly indiscreet, and, I fear, not always truthful—or, at any rate, accurate—in his statements. I think it my duty, however, to report to your Lordship the language he held to me shortly before he departed from Tangier on leave of absence.

In the course of conversation, M. Ordega introduced the subject of the late proffered submission of the Algerian rebel Chiefs, Cid Suleyman and Bou Amama, and read to me passages from a letter he had received from the former.

I congratulated M. Ordega on the success of his negotiations with these Chiefs, and said it did him great credit. I observed that, not only the French Government, but also the Sultan, ought to feel much indebted to him* for having succeeded in getting rid of these Chiefs, whose turbulent and lawless acts had given rise so often to vexatious and serious questions. I added that, as we sincerely desired the maintenance of friendly relations between France and Morocco, I was sure it would be a source of satisfaction to Her Majesty's Government to learn the submission of these Chiefs.

M. Ordega remarked that the Sultan and his Ministers appeared to be so unfit to govern, and that the country was in such a wretched state, that the maintenance of friendly relations became a very difficult task, and that he saw no remedy for this state of things except that some foreign Power should take possession of Morocco. "Then," he added, "with a civilized Government at Fez, we might hope to have our frontier respected." He went on to say that it would be a satisfaction to them if Spain would take possession of Morocco. "If not," he continued, "the time must come when we shall be compelled to annex the country, though we do not at present desire it."

I remarked that I did not see why there should be greater difficulty in finding a *modus vivendi* between France and Morocco now than during the last fifty years; that the conquest of Morocco, from the peculiar position of its seaboard on the Straits, would always raise an international question, and would be opposed by other foreign Powers; that the Spanish Government would act wisely in not entertaining any such proposition as that M. Ordega said it was his wish should be made to them, for their financial resources were not such as to enable them to squander money in the conquest of a country which, probably, would be wrested from them in the end by some other Power, and perhaps by France itself. "Spain," I said, "has made much progress latterly, and may become, in course of time, the wealthy and powerful nation she was in former years. It will be time enough then for her to think of carrying out ambitious projects on this side of the Straits. Let us," I added, "leave these questions dormant; we can do no good by discussing them."

I learn, very confidentially, from my Spanish colleague, M. Diosdado, that M. Ordega has held language of a similar character to him, but that he had replied much in the same sense as I had done.

The language of M. Ordega to M. Diosdado, and to my Italian colleague, regarding Morocco, appears to have left on them the impression that the day is not far distant, when France may not have her hands so full as at the present time, that she will seek to extend a Protectorate over Morocco as she has done in Tunis.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

* M. Ordega has lately been decorated with the Legion of Honour.—J. H. D. H.

No. 58.

Mr. Reade to Earl Granville.—(Received August 1.)

(No. 37.)

My Lord,

Tunis, July 28, 1883.

WITH reference to my despatch No. 32 of the 19th ultimo, reporting upon an outrage perpetrated by French subjects on property in this city belonging to General Ben Ayad, I have the honour to inclose a plan with which I have just been furnished of the property in question.

I have, &c.
(Signed) THOS. F. READE.

Inclosure in No. 58.

Plan of Property belonging to General Ben Ayad, showing the exact position of the Ground invaded and occupied by Messrs. Delsol and Mareshal.

[Not printed.]

No. 59.

Mr. Plunkett to Earl Granville.—(Received August 1.)

(No. 488.)

My Lord,

Paris, July 31, 1883.

I HASTEN to inform your Lordship that the "Agence Havas" of this afternoon announces that the French Government will lay at once before the Chambers the Convention signed on the 8th June between the Bey of Tunis and the French Minister-Resident.

According to the "Agence," Article I of this Convention stipulates that the Bey, in order to facilitate the working of the French Protectorate, engages to make the administrative, judicial, and financial reforms which the French Government may consider desirable.

Article II stipulates that the French Government will guarantee a loan for the conversion of the consolidated and floating debts of Tunis; the Bey engaging to make no further loan without the consent of the French Government.

Article III stipulates that up to 2,000,000 piastres, the money required for payment of the interest is to be taken from the general resources of the Regency and the Civil List of the Bey.

I have, &c.
(Signed) F. R. PLUNKETT.

No. 60.

Sir J. Pauncefote to the Law Officers of the Crown.

SIR JULIAN PAUNCEFOTE presents his compliments to the Law Officers, and, by Lord Granville's direction, incloses herewith, to be considered with the papers on the same subject which are now before them, a further despatch from Her Majesty's Agent and Consul-General in Tunis respecting the case of the Maltese Giovanni Mangano.*

Foreign Office, August 1, 1883.

No. 61.

Sir R. Morier to Earl Granville.—(Received August 2.)

(No. 117. Confidential.)

My Lord,

Madrid, July 28, 1883.

I CANNOT but conjecture that the language reported in Sir John Drummond Hay's despatch No. 65, Confidential, of the 22nd July, as having been used by the

* No. 50.

French Minister at Tangier, in reference to the desirability of Spain annexing Morocco, may have some connection with the "concessions immenses" which the Minister of State, as reported in my despatch No. 110, Confidential, stated that France was ready to make to secure the alliance of Spain.

If this language has been reported to Madrid from Tangier, it would be quite capable of assuming these proportions in the fervent imagination of the Spanish Minister for Foreign Affairs.

I have, &c.
(Signed) R. B. D. MORIER.

No. 62.

Aide-Mémoire given to French Ambassador at Rome, July 18, 1883.—(Communicated to Earl Granville by Count Nigra, August 3.)

UN Décret de Son Altesse le Bey de Tunis, en date du 27 Djoumadi-el-Tani, 1300 (5 Mai, 1883), porte que la juridiction des Tribunaux créés, en Tunisie, d'après une Loi Française du 27 Mars, 1883, promulguée dans la Régence par Décret Beylical du 10 Djoumadi-el-Tani, 1300 (18 Avril, 1883), pourra être étendue aux nationaux des Puissances amies qui consentiraient à faire cesser de fonctionner leurs Tribunaux Consulaires.

Son Excellence l'Ambassadeur de France, se référant aux pourparlers antérieurs sur ce même sujet, a bien voulu, d'après les instructions de M. le Ministre des Affaires Étrangères de la République, insister pour obtenir ce consentement de la part du Gouvernement Italien.

Le Cabinet de Rome n'avait pas tardé à s'occuper de cette question grave et délicate.

La colonie Italienne en Tunisie mérite, par le nombre de ses membres et par l'importance de ses intérêts, toute la sollicitude du Gouvernement du Roi. C'est notre devoir de lui assurer les plus complètes garanties de sécurité et de bonne justice. Désirant atteindre ce but, et témoigner en même temps, envers la France et son Gouvernement, de nos sentiments amicaux et de notre pleine confiance dans l'impartialité de la magistrature Française, nous nous étions, dès le commencement, déjà déclarés prêts, en principe, à entrer dans les vues du Cabinet de Paris. Nous nous étions seulement réservé d'étudier la formule pratique et les modalités de l'arrangement à intervenir, en vue de concilier notre adhésion avec la sauvegarde des droits et des légitimes intérêts de l'Italie en Tunisie.

Nous sommes aujourd'hui en mesure de déclarer que le Gouvernement du Roi est disposé, à la reprise des travaux Parlementaires, à demander aux Chambres l'autorisation de consentir en Tunisie, ainsi qu'on l'a fait en 1875 pour l'Égypte, à la suspension de l'exercice de la juridiction Consulaire découlant des Capitulations, coutumes, et Traités en vigueur, et au transfert de cette juridiction aux Tribunaux autorisés par le Décret Beylical du 5 Mai, 1883, dont les Jugements seront susceptibles d'exécution en Italie d'après l'Article 941 du Code de Procédure Civile.* Il doit, cependant, être bien entendu qu'on maintiendra en faveur des nationaux Italiens et des autorités Consulaires en Tunisie, tous autres droits, facultés, et immunités garanties par les Capitulations, coutumes, et Conventions en vigueur, en admettant seulement, en ce qui concerne les simples particuliers, les restrictions nécessaires pour le libre exercice de la nouvelle juridiction. Il est, en outre, bien entendu que cette innovation en matière juridictionnelle ne sera faite dans la Régence envers les nationaux Italiens, qu'autant qu'elle serait également appliquée aux nationaux de tous les autres pays.

Convaincus, comme nous le sommes, que les deux Gouvernements sont également désireux de maintenir et de resserrer leurs rapports amicaux, et nous préoccupant par conséquent de l'éventualité où l'exercice de la nouvelle juridiction pourrait donner lieu en Tunisie à des dissentiments, nous estimons qu'il nous convient d'énoncer dès aujourd'hui, en toute loyauté et franchise, notre manière de voir sur les effets pratiques du nouveau régime à l'égard de quelques points qui pourraient à l'avenir soulever des doutes ou contestations.

1. Le Traité Italo-Tunisien du 8 Septembre, 1868, étant maintenu en vigueur, et son observation, de la part du Gouvernement du Bey étant garantie, la nouvelle magistrature territoriale en Tunisie, comme les Tribunaux du pays, appliquera, envers

* L'Article 941 du Code Italien de Procédure Civile reproduit la teneur de l'arrangement intervenu entre l'Italie et la France par la Déclaration du 11 Septembre, 1860.

No. 62*.

Mr. White to Earl Granville.—(Received August 4.)

(No. 71.)

My Lord,

Tangier, July 27, 1883.

WITH reference to Sir J. D. Hay's despatch No. 62 of the 12th instant, transmitting extracts from a letter addressed to him by Her Majesty's Consul at Mogador regarding the reported pillage of goods in Soos belonging to the Soos and North African Company, I have the honour to transmit extracts from a further letter received from Consul Payton, dated the 13th instant, confirming the report, and giving particulars of the arrest of two Moors in the employment of Mr. Curtis.

I have, &c.
(Signed) HORACE P. WHITE.

Inclosure in No. 62*.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, July 13, 1883.

REFERRING to previous correspondence as to the Soos and North African Trading Company's affairs, especially to my letter of the 6th instant, I now write to inform you that Mr. Andrews has heard that the stores remaining at Erksheesh have been sacked or seized, and two native employes of the Company, who had gone down quite lately from Mogador to Erksheesh to collect some moneys owing, have been arrested by the Sultan's soldiers.

They are Jilaly, a special employé of Mr. Curtis, and Hadj Hamdan, formerly in the service of the Curtis family.

It was reported that they were in chains, and that Hadj Hamdan received "stick" daily, but this latter item is not confirmed. I also hear that the letter, by authority of which these arrests were effected, was read to Hadj Hamdan.

Latest reports say that the prisoners are on their way northwards.

Mr. Andrews has applied to me, asking if I could interfere to obtain their release. I need hardly tell you the nature of my reply, which was consistent with your instructions.

These events seem to have cast a considerable chill over the minds of the Soos Company's Agent and sympathisers here, especially as latest previous reports were that all was quiet at Erksheesh, the British flag (!) still flying, and the shareholders in England had been informed that the port was now open, and business would go on actively! And another steamer, with cargo for Erksheesh and, probably, Mr. Curtis as passenger, is supposed to be now on her way thither.

les nationaux Italiens, la législation Italienne aux matières énumérées aux deux derniers alinéas de l'Article XXII du dit Traité (statut personnel et de famille, successions, donations et autres matières réservées par le droit international privé à la législation nationale de chaque étranger), ainsi qu'aux rapports de droit qui se seraient précédemment formés sous l'empire de lois Italiennes;

2. Dans les affaires pénales les trois Assesseurs étrangers adjoints au Tribunal appartiendront, pour les prévenus Italiens, à la nationalité Italienne;

3. L'application de la loi Italienne par les nouveaux Tribunaux pouvant être assez fréquente, l'intervention d'un Assesseur Italien, au moins avec voix consultative, nous paraîtrait également avantageuse dans les affaires civiles et commerciales. Il y a lieu d'insister, à cet égard, d'une manière spéciale pour les affaires commerciales, au sujet desquelles les différences sont sensibles entre les deux législations;

4. Un éclaircissement est nécessaire à l'égard du droit de grâce, les pièces communiquées n'indiquant pas par qui ce droit va être exercé au sujet des Arrêts rendus par les nouveaux Tribunaux;

5. Les avocats et avoués ("procuratori") exerçant actuellement leur profession auprès des Tribunaux Consulaires Italiens en Tunisie continueront d'être admis à l'exercer auprès des nouveaux Tribunaux. Sauf, bien entendu, les conditions de capacité individuelle, les nationaux Italiens seront, à l'avenir aussi, admis à l'exercice de ces professions, ainsi qu'aux emplois de greffe et d'ordre dans les nouveaux Tribunaux;

6. Les protégés Italiens sont, en matière juridictionnelle, assimilés aux nationaux Italiens;

7. Les privilèges et immunités dont les autorités Consulaires Italiennes dans la Régence jouissent en vertu des Capitulations, coutumes, et Traités, sont expressément et intégralement maintenus, soit à l'égard de leurs personnes, soit à l'égard des résidences respectives. Les immunités dont les Capitulations et coutumes assurent la jouissance en Tunisie aux simples particuliers de nationalité étrangère, ne devront pas empêcher l'exécution des Jugements rendus, d'après la loi, par la nouvelle magistrature territoriale.

No. 63.

Mr. White to Earl Granville.—(Received August 4.)

(No. 72.)

My Lord,

Tangier, July 27, 1883.

THE Italian turret-ship "Duilio" and iron-clad "Palestro" with the dispatch steamer "Agostino Barbarigo" arrived in Tangier Bay this day.

The object of the visit of these vessels is to give support to the demands that have been made upon the Moorish Government by the Italian Minister, Signor Scovasso, who, on the 21st instant, presented to Cid Mohammed Bargash a note requiring payment by the Moorish Government of claims of Italian subjects and natives under Italian protection, amounting to about 70,000 dollars.

These claims are for debts of Moorish subjects and are due principally to Moorish subjects under Italian protection.

The Italian Minister further demanded the dismissal of the Governor of Rabat, an old and trusted servant of the Sultan, who has been Governor of that port for many years, and bears a high character. I am not aware of the precise cause of complaint against this functionary, but I believe it is for some offence given to one of the numerous Moorish subjects under Italian protection.

Signor Scovasso, in his note, insists that satisfaction be afforded to his demands within the term of twenty days.

I have no reason to doubt that the demand for payment of the debts will be acceded to by this Government, which is powerless to resist demands backed by the presence of powerful ships of war, but I think it will be with extreme difficulty that the Sultan will be induced to dismiss, at the dictation of a foreign Representative, a Governor who enjoys His Majesty's confidence, and I shall not be surprised if the Sultan attempts to make a stand against this demand.

I have, &c.
(Signed) HORACE P. WHITE.

Consul White to Earl Granville.—(Received August 4.)

(No. 77.)

My Lord,

Tangier, July 27, 1883.

WITH reference to Sir J. Drummond Hay's despatch No. 62 of the 12th instant, transmitting extracts from a letter addressed to him by Her Majesty's Consul at Mogador regarding the reported pillage of goods in Soos belonging to the Soos and North African Company, I have the honour to transmit an extract from a further letter received from Consul Payton, dated the 13th instant, confirming the report, and giving particulars of the arrest of two Moors in the employment of Mr. Curtis.

I have, &c.

(Signed) HORACE P. WHITE.

Inclosure in No. 64.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, July 13, 1883.

REFERRING to previous correspondence as to the Soos and North African Trading Company's affairs, especially to my letter of the 6th instant, I now write to inform you that Mr. Andrews has heard that the stores remaining at Erksheesh have been sacked or seized, and two natives employés of the Company, who had gone down quite lately from Mogador to Erksheesh to collect some moneys owing, have been arrested by the Sultan's soldiers.

They are Jilaly, a special employé of Mr. Curtis, and Hadj Hamdan, formerly in the service of the Curtis family.

It was reported that they were in chains, and that Hadj Hamdan received "stick" daily, but this latter item is not confirmed. I also hear that the letter, by authority of which these arrests were effected, was read to Hadj Hamdan.

Latest reports say that the prisoners are on their way northwards.

Mr. Andrews has applied to me asking if I could interfere to obtain their release. I need hardly tell you the nature of my reply, which was consistent with your instructions.

These events seem to have cast a considerable chill over the minds of the Soos Company's agent and sympathisers here, especially as latest previous reports were that all was quiet at Erksheesh, the British flag! still flying, and the shareholders in England had been informed that the port was now open, and business would go on actively! And another steamer, with cargo for Erksheesh, and probably Mr. Curtis as passenger, is supposed to be now on her way thither.

No. 65.

Mr. Plunkett to Earl Granville.—(Received August 4.)

(No. 497.)

My Lord,

Paris, August 3, 1883.

THE "Journal Officiel" has not yet published the text, either of the Bill laid before the Chamber of Deputies, or of the Convention concluded between the Bey of Tunis and the French Minister Resident.

I therefore inclose these documents as published in all the Paris papers of yesterday, and which have all the appearance of being authentic.

Your Lordship will notice a discrepancy in Article III, as given in the précis by the Havas Agency inclosed in my despatch No. 488 of the 31st ultimo, and the text now inclosed.

It seems the Article III allows the Bey to charge on the revenues of the Regency: (1) the amount required for the service of the loan guaranteed by France; (2) the sum of 2,000,000 piastres for his civil list. The surplus revenue is then to go to cover the expenses of administration in the Regency and the reimbursement of the costs of the Protectorate.

Although the "Temps" is in no sense an official organ, it is so often correct in its official news, that I beg to call your Lordship's attention to the inclosed extract from its Parliamentary intelligence of yesterday, reporting the language held by M. Cambon, the

French Minister Resident at Tunis, before the Commission appointed to report on the Bill.

He would seem, if properly reported, to have stated that all the Powers have consented to the abrogation of the Capitulations.

The Chambers have been prorogued before they had an opportunity of discussing the Report of the Commission appointed to consider this Bill.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure 1 in No. 65.

Extract from the "République Française" of August 3, 1883.

VOICI le texte du Projet de Loi qui a été déposé Mardi sur le bureau de la Chambre et qui a pour objet de ratifier la Convention intervenue le 8 Juin entre le Gouvernement Français et le Bey de Tunis:—

"Projet de Loi.

"Article 1^{er}. Le Président de la République Française est autorisé à ratifier et à faire exécuter la Convention conclue entre le Gouvernement de la République et Son Altesse le Bey de Tunis le 8 Juin, 1883.

"Une copie authentique du dit acte demeurera annexée à la présente Loi.

"Art. 2. Le Ministre des Finances est autorisé à faire, en cas de besoin, à Son Altesse le Bey de Tunis des avances productives d'intérêt à 4 pour cent et remboursables dans un délai maximum de dix années, à partir du 1^{er} Janvier, 1889, sans que les dites avances puissent dépasser la somme de 2,500,000 fr. par an.

"Ces avances seront portées au début d'un compte à ouvrir, parmi les services spéciaux du Trésor, sous le titre: 'Avances à recouvrer sur la Régence de Tunis.'

"Art. 4. Le Ministre des Finances rendra compte chaque année, par un Rapport au Président de la République qui sera distribué au Sénat et à la Chambre des Députés, des avances faites et des remboursements effectués par le Gouvernement Beylical."

Voici maintenant le texte de la Convention qui est annexée à ce Projet de Loi:—

"Convention entre la France et la Turquie pour régler les Rapports respectifs des Deux Pays.

"Son Altesse le Bey de Tunis, prenant en considération la nécessité d'améliorer la situation intérieure de la Tunisie dans les conditions prévues par le Traité du 12 Mai, 1881, et le Gouvernement de la République ayant à cœur de répondre à ce désir et de consolider ainsi les relations d'amitié heureusement existantes entre les deux pays, sont convenus de conclure une Convention spéciale à cet effet. En conséquence, le Président de la République Française a nommé pour son Plénipotentiaire M. Pierre-Paul Cambon, son Ministre Résident à Tunis, officier de la Légion d'Honneur, décoré de l'Haid et grand-croix du Nicham Iftikar, &c., lequel, après avoir communiqué ses pleins pouvoirs trouvés en bonne et due forme, a arrêté avec Son Altesse le Bey de Tunis les dispositions suivantes:—

"ARTICLE I.

"Afin de faciliter au Gouvernement Français l'accomplissement de son Protectorat, son Altesse le Bey de Tunis s'engage à procéder aux réformes administratives, judiciaires, et financières que le Gouvernement Français jugera utiles.

"ARTICLE II.

"Le Gouvernement Français garantira, à l'époque et sous les conditions qui lui paraîtront les meilleures, un emprunt à émettre par son Altesse le Bey pour la conversion ou le remboursement de la Dette Consolidée s'élevant à la somme de 125,000,000 fr., et de la dette flottante jusqu'à concurrence d'un maximum de 17,549,300 fr.

"Son Altesse le Bey s'interdit de contracter, à l'avenir, aucun emprunt pour le compte de la Régence sans l'autorisation du Gouvernement Français.

"ARTICLE III.

"Sur les revenus de la Régence son Altesse le Bey prélèvera: (1) les sommes nécessaires pour assurer le service de l'emprunt garanti par la France; (2) la somme de

2,000,000 piastres (1,200,000 fr.), montant de sa liste civile, le surplus des revenus devant être affecté aux dépenses d'administration de la Régence et au remboursement des charges du Protectorat.

"ARTICLE IV.

"Le présent arrangement confirme et complète, en tant que de besoin, le Traité du 12 Mai, 1881. Il ne modifiera pas les dispositions précédemment intervenues pour le règlement des contributions de guerre.

"ARTICLE V.

"La présente Convention sera soumise à la ratification du Gouvernement de la République Française, et l'instrument de la dite ratification sera remis à son Altesse le Bey de Tunis dans le plus bref délai possible.

"En foi de quoi les Soussignés ont dressé le présent acte, et l'ont revêtu de leurs cachets.

"Fait à la Marsa, le 8 Juin, 1883."

Inclosure 2 in No. 65.

Extract from "Le Temps" of August 3, 1883.

ON sait que la Commission de la Tunisie a entendu hier M. Cambon, notre Ministre Résident à Tunis.

Au sujet des Capitulations, M. Cambon a donné d'intéressants renseignements à la Commission. Il a fait savoir que toutes les Puissances consentiraient à l'abrogation des Capitulations. L'Italie elle-même, qui s'était montrée réfractaire par les raisons que l'on sait, a fini par donner son consentement. Le Ministère Italien a promis de présenter à la rentrée du Parlement un Projet de Loi pour faire approuver cette abrogation des Capitulations, parce qu'en Italie la ratification du Pouvoir Législatif est indispensable pour les Traités de ce genre.

L'Angleterre aussi a consenti; les autres Puissances ont toutes donné déjà leur adhésion.

Des demandes d'explications ont été formulées par l'Angleterre et l'Italie. Elles portaient sur deux points principaux:

1. Sur la question de savoir par qui serait exercé le droit de grâce à l'égard des étrangers condamnés par les Tribunaux Français de la Régence: par le Président de la République Française ou par le Bey de Tunis. L'Angleterre et l'Italie veulent bien consentir à l'abandon de leurs privilèges en faveur de la France, mais pas en faveur du Bey.

La seconde question qui a provoqué des observations est celle des Assesseurs assistant les Juges Français qui statueront dans les procès criminels intentés à des étrangers. Il avait été convenu que les Consuls dresseraient une liste d'étrangers résidant dans la Régence et parmi lesquels seraient choisis ces Assesseurs. L'Angleterre demande que ces Assesseurs soient exclusivement Français, ne voulant pas de l'intervention de ses nationaux. L'Italie, au contraire, demande que, dans les procès intéressant des Italiens, les Assesseurs soient exclusivement Italiens.

On voit que les objections sont peu importantes et qu'elles ne sont pas de nature à entraver la solution définitive.

No. 66.

Earl Granville to Sir H. Elliot.

(No. 170.)

Sir,

Foreign Office, August 4, 1883.

WITH reference to your Excellency's despatch No. 197 of the 16th ultimo, I have to state to you that I approve your having, at Count Kálnoky's request, furnished his Excellency with a copy of my note to M. Tissot of the 20th June upon the subject of the proposed recognition of French jurisdiction in Tunis.

I am, &c.

(Signed) GRANVILLE.

No. 67.

Messrs. McNaught, Pearse, and Middleton to Earl Granville.—(Received August 6.)

My Lord,

9, Crosby Square, London, August 4, 1883.

WE, the undersigned agents of the Sûs and North African Trading Company (Limited), most respectfully inform your Lordship that, on or about the 27th day of June last, our goods landed and stored at Erksheesh, in the Empire of Morocco, have been plundered by sundry tribes, the tents broken up, and everything carried off causing us a loss of 10,000l.

It is said this has been done by order of the Emperor of Morocco, although orders for the protection of our property as British subjects had been given, and of which we have been made acquainted by the Caid of that district, and by the Chiefs of the friendly S'booia tribe.

Under these circumstances we solicit your Lordship's interference, and permission to forward, through the Foreign Office, our claim on the Moorish Government for our loss, and would feel very grateful to your Lordship, when sending the same to Her Majesty's Minister at the Moorish Court, strongly to recommend the case for a speedy and equitable adjustment.

That the Emperor was a party to the occurrence cannot be doubted. The Sultan's troops were within a quarter of a mile from the spot, and the officer in command threw all our employés (Moorish subjects) into prison, had them severely beaten, and ill-treated.

We have, &c.

(Signed) McNAUGHT, PEARSE, AND MIDDLETON,
Agents to the Sûs and North African Trading Company (Limited).

No. 68.

Mr. Reade to Earl Granville.—(Received August 6, 7.45 P.M.)

(No. 19.)

(Telegraphic.)

Tunis, August 6, 1883, 12.30 P.M.

WITH regard to negotiations for extinction of International Finance Commission by paying off Tunisian debt, I am requested to submit paper showing the scheme to be opposed to the fundamental principles under which the Commission was constituted.

The paper will be forwarded to your Lordship by post.

No. 69.

Earl Granville to Mr. Plunkett.

(No. 752.)

Sir,

Foreign Office, August 6, 1883.

I TRANSMIT to you herewith a Petition relative to a claim for compensation advanced by Captain Salvatore and Emmanuele Tabone for losses incurred by them through the pillage by Arab insurgents of their warehouses at Gabes on the 25th June, 1881.* It will be seen that they are stated to have deposited the keys of their warehouses in the hands of the French Consul before leaving the town, which they were compelled to do for the safety of their lives.

I have to request that you will represent this case to the French Government, inquiring whether any provision has been made to meet such claims.

I am, &c.

(Signed) GRANVILLE.

No. 70.

Mr. Reade to Earl Granville.—(Received August 7.)

(No. 39.)

My Lord,

Tunis, August 1, 1883.

WITH reference to my despatch No. 30 of the 11th June last, reporting upon the subject of General Sid Hamida Ben Ayad's claims against the Tunisian Government, and

* No. 26.

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informing your Lordship that, conformably with a request I had received to that effect from Mr. A. M. Broadley, Barrister-at-Law, and legal representative of the claimant, I had submitted the case to the consideration of M. Cambon with a view to an early and definitive settlement of an affair which had been for so many years a source of disagreement between the Tunisian Government and this Office.

Six weeks passing without any reply being made to my letter to M. Cambon, I addressed a further communication to the French Residency on the 13th of the present month, in which I remarked upon the urgency of the case, and expressed a hope that the decision I had waited for so long in respect to it would be shortly forthcoming. On the 17th I received a reply from the Baron d'Estournelles to the effect that he would inform himself of what was being done in the matter, and let me know as soon as possible the result of his inquiries. Of the two last above-mentioned letters I beg to transmit copies.

I have since been informed by Baron d'Estournelles that a formal reply is being prepared to the Memorial by the Prime Minister, and that it will be forwarded to me in the course of a few days. I feel, however, it is useless to wait any longer for this reply, as, putting aside the question of delay, its tenour will not, I fear, be satisfactory. Were it otherwise, I should already have been told that the Tunisian Government is not averse to the proposal of an arbitration.

The fact that this Government is a party litigant in the questions at issue ought, it appears to me, to be ground sufficient for the institution of an Arbitration Commission, and any plea or arguments it may think proper to put forward in its defence would of course be duly considered by that Commission.

I venture, therefore, to hope your Lordship may be pleased to concur in the view that no fairer or more convenient mode can be devised for the settlement of the Ben Ayad claims than that of the proposed arbitration.

Any reply or further communication I may receive from the French Residency respecting those claims I shall not fail to duly report to your Lordship.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 70.

Mr. Reade to Baron d'Estournelles.

Sir, ON the 28th May last I had the honour to submit to M. Cambon's consideration the copy of a letter I had received from Mr. A. M. Broadley, and of an exhaustive Memorial inclosed in that letter with reference to General Sid Hamida Ben Ayad's claim against the Tunisian Government.

I took occasion at the same time to call attention to the critical position of the claimant, and expressed a hope that some early decision might, under the circumstances, be arrived at.

Not having been honoured with any reply to that communication, and the situation of Sid Hamida being proportionately aggravated, I shall be obliged by your informing me whether any decision has been come to in the matter, or whether, in the event of there being some difficulty as to the effecting of a settlement by any other means, the Tunisian Government is prepared to accept the proposition which I had the honour to submit to it with my last communication, that the claims in question be referred to arbitration, in conformity with what has been the practice hitherto observed in cases of a similar complexion.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 70.

Baron d'Estournelles to Mr. Reade.

M. l'Agent et Consul-Général, JE m'empresse de vous accuser réception de votre lettre en date du 12 de ce mois, relativement aux réclamations que le Général Hamida Ben Ayad élève contre le Gouvernement Tunisien.

Tunis, le 17 Juillet, 1883.

Je vais prendre les informations que vous me demandez, et je ne manquerai pas de vous les faire connaître aussitôt que je les aurai reçues.

Agréez, &c.
(Signé) D'ESTOURNELLES.

No. 71.

Earl Granville to Mr. White.

(No. 37.)

Sir,

Foreign Office, August 7, 1883.

I HAVE received Sir J. D. Hay's despatch No. 65, Confidential, of the 22nd ultimo, reporting a conversation with M. Ordega, the French Minister, on the subject of the relations between France and Morocco, and I have to state to you that the language held by Sir J. D. Hay to M. Ordega is approved by Her Majesty's Government.

I am, &c.
(Signed) GRANVILLE.

No. 72.

Mr. Plunkett to Earl Granville.—(Received August 8.)

(No. 500.)

My Lord,

Paris, August 7, 1883.

WITH reference to my despatches Nos. 488 and 497 of the 31st ultimo and the 3rd instant respectively, I have the honour to inclose the Bill, as laid before the Chambers, for the ratification of the Convention concluded between the Bey of Tunis and the French Minister Resident.

The text is similar to that already published in the Paris newspapers transmitted to your Lordship on the 3rd instant.

The "Exposé des Motifs," which precedes the Bill in the inclosure now forwarded, says this Convention is the fulfilment of the promise made to the Legislature in February last that the Government would shortly submit the further measures necessary for completing the French Protectorate in Tunis. The question of jurisdiction having been settled with some Powers, and being almost settled with the rest, the time has now come for arranging the financial and administrative organization. An arrangement had been come to last summer with the late Bey; but this having fallen through, the fresh Convention of this year was concluded.

Your Lordship will notice that the "Exposé" insists on the necessity of insuring to the Bey the free administration of his finances and on the consequent necessity of his getting back the disposal (under French control) of the revenues conceded in 1870 to the International Financial Commission. France, therefore, must substitute her guarantee for that of the Commission; and it will be necessary to repay, or to convert, the debt in order to get rid of the creditors represented now by the International Commission. Administrative reorganization is also indispensable.

The "Exposé," in giving a review of the financial state of the Regency, calculates the revenue at 11,505,465 fr., of which 5,456,065 fr. are controlled by the Financial Commission. This sum, it says, is insufficient to meet the expenditure, and as a reduction in the capitation tax and in the export duties is imperative, the deficit to be covered will, for the first few years, be considerable. There is, however, reason to expect that the Tunisian forests will bring in a large revenue, and that the increase of general prosperity, consequent on the introduction of a better administration, will soon increase the produce of the customs dues and other taxes.

The "Exposé" reminds the Chamber of the wish it had previously expressed for the reform of the administrative organization and of the system of Capitulations, and says that it is in harmony with these views that the Convention has been concluded.

An abstract of the Budget of the Regency is also annexed to the "Exposé."

I have, &c.
(Signed) F. R. PLUNKETT.

Projet de Loi portant approbation de la Convention conclue avec Son Altesse le Bey de Tunis le 8 Juin, 1883 (renvoyé à la Commission relative à l'Organisation des Services en Tunisie), présenté au nom de M. Jules Grévy, Président de la République Française, par M. Challemel-Lacour, Ministre des Affaires Étrangères, et par M. P. Tirard, Ministre des Finances.

Exposé des Motifs.

Messieurs,

DANS la déclaration faite au Parlement, le 22 Février dernier, nous annonçons l'intention de vous soumettre prochainement "la suite des mesures destinées à compléter l'organisation du Protectorat en Tunisie," avec la conviction "que cette organisation permettrait de réduire rapidement, dans des proportions considérables, les charges de l'occupation." C'est en exécution de cette promesse que nous venons aujourd'hui vous demander les pouvoirs nécessaires pour introduire dans le régime administratif et financier de la Tunisie les réformes jugées indispensables. Cette idée, n'est du reste, pas nouvelle, et le Traité de Kasr-Saïd, du 12 Mai, 1881, Article VII, avait déjà prévu qu'il y aurait lieu de procéder à "une organisation financière de la Régence, de nature à assurer le service de la dette publique et à garantir les droits des créanciers de la Tunisie."

Le Gouvernement de la République n'avait pas perdu de vue cette stipulation; mais avant de songer à réorganiser les finances et l'administration Beylicales, il convenait d'abord de réformer le système judiciaire: tel a été le but de la Loi du 27 Mars, 1883.

Depuis cette époque, des Tribunaux fonctionnent sur toute l'étendue de la Régence; ils connaissent déjà des litiges intéressant les Français et les sujets de plusieurs Puissances étrangères qui ont renoncé, dès à présent, aux privilèges résultant du régime des Capitulations. Nous pouvons ajouter que le moment est proche où tous les étrangers seront justiciables des dits Tribunaux; les Puissances dont les Tribunaux Consulaires ne sont pas encore fermés, nous ont, en effet, donné à cet égard, les assurances les plus satisfaisantes, et la plupart d'entre elles n'attendent même, pour nous envoyer une réponse définitive, que l'accomplissement de certaines formalités exigées par leurs lois Constitutionnelles.

Il ne saurait donc y avoir, désormais, de ce chef, aucun empêchement à ce que nous nous appliquions à doter la Régence d'institutions administratives et financières dont le fonctionnement assurera aux populations les avantages qu'elles sont en droit d'attendre de notre Protectorat; ce n'est pas admissible, en effet, que nous assumions la responsabilité de l'état de choses actuel. La réforme dont il s'agit s'impose comme une impérieuse nécessité à quiconque connaît les vices fondamentaux du système financier en vigueur en Tunisie. Qu'il nous suffise de signaler ce fait que les principales sources de revenus de la Régence sont, d'une part, un impôt de capitation ("medjba") de 30 fr. environ par tête, et, d'autre part, des droits d'exportation très élevés établis sur toutes les productions du pays, et notamment sur les huiles et les céréales. Ces exemples suffisent pour démontrer la nécessité d'introduire de profondes modifications dans l'assiette des impôts.

Nos prédécesseurs l'avaient déjà compris; des négociations avaient été engagées, au mois de Juillet de l'année dernière, avec le feu Bey Mohammed Essadock, qui avait souscrit un arrangement auquel les circonstances n'ont pas permis de donner suite; les pourparlers ont été repris et ont abouti à une Convention conclue avec le nouveau Bey à la date du 8 Juin, 1883. C'est cet acte que nous avons l'honneur de soumettre aujourd'hui à l'approbation de la Chambre.

L'Article 1^{er} de la Convention a pour but d'obliger Son Altesse le Bey de Tunis à procéder aux réformes administratives, judiciaires, et financières que le Gouvernement de la République jugera nécessaires pour l'accomplissement de son Protectorat. L'Article 2 est relatif à la garantie de la Dette Tunisienne, et l'Article 3 oblige Son Altesse le Bey à prélever, sur les revenus de la Régence, les sommes nécessaires au service de la Dette et limite le prélèvement à opérer pour sa Liste Civile.

Pour assurer au Gouvernement du Bey la libre administration des finances de la Régence, et pour lui donner le moyen de procéder aux réformes indispensables au développement des richesses du pays et à la répartition équitable des charges fiscales imposées à la population, il est nécessaire de lui rendre la libre disposition, sous notre contrôle, des revenus concédés en 1870 à une Commission Financière Internationale, et de substituer notre garantie à celle de cette Commission.

Nous vous proposons, en conséquence, par application de l'Article 2 de la Convention, d'obtenir la conversion avec réduction du taux de l'intérêt ou le remboursement de la Dette Consolidée Tunisienne au moyen d'un emprunt à émettre par le Bey, sous notre garantie et dont les titres seront offerts aux porteurs actuels.

Quant à la Dette Flottante il y a urgence à faire cesser les renouvellements onéreux auxquels elle donne lieu et de la consolider, en la comprenant dans l'emprunt à émettre pour la conversion de la Dette Consolidée.

L'opération dont nous nous sommes réservés de déterminer l'époque et les conditions, sera d'ailleurs limitée, à titre de maximum aux chiffres actuels des Dettes Consolidée et Flottante.

Son Altesse le Bey s'étant interdit par le dernier paragraphe du même Article de contracter, à l'avenir, aucun emprunt pour le compte de la Régence, nous sommes absolument prémunis contre l'introduction de charges nouvelles.

La réorganisation administrative du pays accompagnera nécessairement la réforme du régime financier: cette double réforme oblige à convertir ou rembourser la Dette, afin de désintéresser les créanciers, représentés aujourd'hui par la Commission Financière Internationale dont il vient d'être question. Enfin, la diminution du Corps d'Occupation et une économie sensible dans les dépenses militaires doit être, à la fois, le complément et le but des mesures que nous proposons de prendre.

Ainsi, réorganisation administrative, amélioration du régime fiscal, remboursement ou conversion avec réduction de la dette, diminution des dépenses militaires, telles sont les conséquences de la Convention que nous vous demandons de ratifier par l'Article 1^{er} du Projet de Loi.

Nous vous prions, en même temps, de nous autoriser, par l'Article 2 de ce Projet, à faire, en cas de besoin, au Gouvernement Beylical des avances productives d'intérêts à 4 pour cent jusqu'à concurrence de 2,500,000 fr. au plus par an. Nous avons, en effet, le devoir de rechercher dans quelle situation se trouverait le Budget de la Régence, après la réorganisation administrative et financière que le Bey s'engage à réaliser, et nous avons été forcés de reconnaître que cette réorganisation, pour être complète et efficace, exigerait, pendant les trois ou quatre premières années, un surcroît de dépenses, auquel l'augmentation des recettes ne pourrait d'abord faire face. Son Altesse le Bey s'étant interdit, pour l'avenir, de contracter aucun emprunt, nous devons lui assurer le moyen de pourvoir à ces sacrifices momentanés.

Vous trouverez, dans une note-annexe ci-joint, l'évaluation détaillée des ressources et des charges de ce Budget dont nous nous bornerons à donner ici les principaux éléments.

Les recettes s'élèvent, d'après la moyenne des cinq années antérieures à notre occupation, à 11,265,465 fr., à savoir:—

	Fr.
Revenus concédés à la Commission Financière	5,456,065
Revenus réservés	5,809,400
Total égal	11,265,465
Il convient d'ajouter à cette somme, à titre d'augmentation de produits dès à présent acquise, déduction faite des dégrèvements urgents à réaliser, environ	240,000
Total des recettes	11,505,465
Les charges du Budget actuel, non compris le service de la Dette Consolidée et de la Dette Flottante, sont de	Fr. 4,085,000
Nous avons prévu une augmentation de	2,783,000
Total à déduire des recettes	6,868,000
Il reste, en conséquence, disponible pour le service de la Dette..	4,637,465
Le service de la Dette Consolidée exige annuellement	6,250,000
L'amortissement des coupons arriérés et le service d'une partie de la Dette Flottante comporte une charge annuelle de	2,425,330
A laquelle il convient d'ajouter celle résultant de l'obligation de rembourser immédiatement des restes à payer et créances exigibles s'élevant à 2,567,000 fr., dont l'intérêt à 7 pour cent, taux des derniers renouvellements opérés par le Gouvernement Tunisien, est de	179,690
Total.. .. .	8,855,020

	Fr.
L'unification de ces deux dettes, qui s'élèvent en capital à 125,000,000 fr. pour la Dette Consolidée, et à environ 17,550,000 fr. pour la Dette Flottante, soit, ensemble à 142,550,000 fr., permettrait, sans même avoir recours à la conversion avec réduction du taux de l'intérêt de la Dette Consolidée, de réaliser une économie importante et d'assurer le service de la Dette ainsi unifiée, à raison de 5 pour cent, par une annuité de 7,127,500	
L'excédent des recettes disponibles étant de 4,637,465	
Le déficit serait de 2,490,035	

Le chiffre des dégrèvements proposés et des revenus municipaux à laisser aux villes étant de 2,860,000 fr., on voit qu'en maintenant les impôts actuels et en continuant d'affecter au service de la dette les revenus municipaux, il serait facile de satisfaire à toutes les charges, mais cette façon de procéder, tout en nous procurant un avantage momentané, nous exposerait dans l'avenir à de sérieux mécomptes. Des charges, telles que l'impôt de capitation ou les droits à la sortie doivent amener rapidement la dépopulation du pays et la ruine de toutes les industries. Notre intérêt bien entendu nous commande d'entrer dans la voie d'une réforme de ces impôts. Il en est de même de l'abandon aux villes de leurs revenus naturels.

L'augmentation de la population Européenne et surtout Française, l'accroissement de valeur des propriétés, le développement des intérêts dans les principales villes de la Régence, nous imposent l'obligation d'instituer des Administrations municipales et de leur fournir les moyens d'établir un budget : à défaut de leurs ressources normales, les villes seraient obligées d'avoir recours aux subventions de l'État.

Il est donc sage de renoncer, dès maintenant, à certaines ressources, au risque de s'exposer au début à un léger déficit, mais ce déficit sera certainement couvert :—

1. Par le bénéfice à réaliser sur la conversion avec réduction du taux de l'intérêt de la dette ;

2. Par les plus-values des recettes, qui se chiffrent, pour les droits d'importation, seulement, en 1882, par 893,335 fr. ;

3. Par les augmentations de produits qui résulteront de nos réformes (une nouvelle assiette de la capitation permettra, par exemple, de retrouver le montant du dégrèvement proposé).

En évaluant à 2,500,000 fr., sans tenir compte du bénéfice certain de la réduction du taux de l'intérêt de la dette, les avances qu'il pourrait y avoir lieu de faire au Gouvernement Tunisien, pour la première année, nous avons la confiance que ce maximum ne sera pas atteint et sera réduit dans les années suivantes. Dès la quatrième année, d'après nos prévisions, commencerait la période des remboursements et, dans un délai maximum de dix années, nous aurions récupéré la totalité de nos avances.

Les chiffres qui précèdent ont été établis avec le plus grand soin.

Nous ne nous sommes pas dissimulé que les revenus publics, dans un pays essentiellement agricole comme la Tunisie, pouvaient être accidentellement atteints, dans de très fortes proportions, par une année de mauvaises récoltes, comme la sécheresse en produit parfois sur le littoral Méditerranéen, mais l'éventualité d'un des cas exceptionnels qui se présentent à de longs intervalles dans ces régions ne nous paraît pas de nature à infirmer des prévisions basées sur une moyenne, après déduction des années les plus fortes et les plus faibles.

Nous nous sommes gardés de faire entrer en compte les années exceptionnellement favorables ; nous nous sommes également abstenus de comprendre, autrement que pour mémoire dans nos évaluations, les ressources que nous sommes en droit d'attendre, dès le début, de la perception régulière des taxes et de la mise en œuvre des richesses naturelles du pays.

Il résulte notamment des enquêtes auxquelles le Gouvernement a fait procéder que lorsque le personnel des Douanes sera complété, le produit des droits ne peut manquer de s'accroître dans de grandes proportions. D'après des études faites sur place, avec un soin extrême, par plusieurs agents supérieurs de notre Administration forestière, dont les conclusions se sont trouvées identiques, les forêts du nord de la Tunisie (chênes-liège) pourront être aménagées sans frais en dix ans. Les dépenses d'aménagement seront, en effet, couvertes par un commencement immédiat d'exploitation : au bout de dix ans, le revenu net sera de plus de 7,000,000 fr. pour l'État et de plus de 17,000,000 fr. au bout de vingt ans. Les forêts du sud de la Medjerdah qui n'ont pas encore été explorées régulièrement, donneront des revenus moins élevés à cause de la valeur moindre des essences qui les composent ; mais il y aurait là encore une source de profits considérables ; l'étendue de ces dernières forêts paraît être, d'ailleurs, à peu près égale à celle des forêts du nord de la Medjerdah, soit un peu plus de 160,000 hectares. Ajoutons enfin que la valeur de la propriété, sur certains points,

a notablement augmenté depuis trois ans, et il n'est pas téméraire d'espérer qu'après la réorganisation, le mouvement ascensionnel qui a déjà été signalé pour plusieurs branches des revenus publics se fera sentir pour toutes les autres.

D'ailleurs, la réorganisation financière de la Régence ne se traduirait pas par une charge nouvelle pour nos Budgets, même dans le cas où l'avance que nous nous sommes engagés à faire resterait effective, parce que nous pourrions diminuer d'une somme beaucoup plus forte les dépenses de l'occupation militaire. Jusqu'ici, il avait paru indispensable d'entretenir dans la Régence des forces imposantes pour se garantir contre les menées des dissidents et les intrigues des fanatiques. Aujourd'hui, la plupart des réfugiés sont rentrés dans leurs foyers, la population est tranquille, et elle est disposée à accepter notre suprématie si nous lui présentons, de notre côté, des garanties de bonne administration qui lui ont manqué. La réforme que nous vous demandons les moyens d'accomplir permettra de procéder à certains dégrèvements, de mettre fin aux exactions des percepteurs indigènes et, en supprimant une des principales causes de mécontentement, elle nous confirmera les sympathies des populations ; nos troupes, qui devaient être nombreuses tant que nous nous bornions à une occupation militaire, pourront, sans imprudence, être diminuées encore du jour où les avantages du Protectorat apparaîtront clairement aux yeux des indigènes.

En compensation d'avances temporaires qui décroîtront promptement et nous seront remboursées avec intérêts, nous obtiendrons donc une réduction permanente dans nos dépenses militaires d'occupation.

Aux termes de l'Article 3, le Ministre des Finances est autorisé à porter, successivement au débit d'un compte spécial à ouvrir sous le titre : "Avances à recouvrer sur la Régence de Tunis" les avances à faire au Gouvernement Beylical dans les conditions prévues par l'Article 2.

Les remboursements à effectuer par le Gouvernement Tunisien seront portés en recettes, au même compte, en atténuation des avances faites.

L'ouverture d'un compte d'avances pour les opérations de cette nature a été déjà autorisée, à plusieurs reprises, notamment par la Loi du 14 Juin, 1883, pour les avances faites au Gouvernement Hellénique (Lois du 24 Avril, 1838, 24 Juillet, 1843, et 20 Juillet, 1844) dans des conditions d'ailleurs beaucoup moins favorables et sans intérêts.

Le même procédé a été employé (Loi du 10 Décembre, 1881) pour les avances faites à raison de la garantie accordée par le Gouvernement Français à l'Emprunt Ottoman de 1855, avances qui nous ont, d'ailleurs, été remboursées depuis.

Il sera rendu compte, chaque année, au Parlement, conformément à l'Article 4, des avances faites et des remboursements effectués en principal et intérêts.

Tel est, dans son ensemble, le Projet de Loi que nous avons l'honneur de soumettre à votre approbation.

La Commission que vous aviez chargée d'examiner le projet présenté par le Gouvernement au mois de Mai 1882, au sujet de l'organisation de la juridiction Française et de différents services, s'exprimait ainsi :*

"Après avoir examiné chacune des questions que soulèvent l'établissement et la mise en œuvre du Protectorat Français en Tunisie, la Commission a décidé de vous faire connaître son opinion motivée sur l'ensemble d'une pareille entreprise. . . Elle pense fermement : (1) qu'il est conforme aux intérêts de la France de procéder à une organisation complète du Protectorat, de manière à placer l'administration des affaires Tunisiennes sous l'influence directe du Gouvernement de la République ; (2) que, pour y parvenir, il est indispensable de transformer l'organisation financière actuelle de la Régence et le régime des Capitulations."

C'est en conformité des vues ainsi exprimées qu'a été préparé l'accord consacré par les arrangements conclus avec la Régence : nous espérons que vous voudrez bien, en conséquence, nous autoriser, en votant le présent Projet de Loi, à mettre à exécution la Convention du 8 Juin, 1883.

Projet de Loi.

Le Président de la République Française,

Décète :

Le Projet de Loi dont la teneur suit, sera présenté à la Chambre des Députés par le Ministre des Affaires Étrangères et par le Ministre des Finances qui sont chargés d'en exposer les motifs et d'en soutenir la discussion.

* Rapport, fait au nom de la Commission chargée d'examiner le Projet de Loi relatif à l'organisation de différents services en Tunisie, par M. Antonin Dubost (No. 1052).

Article 1^{er}. Le Président de la République Française est autorisé à ratifier et à faire exécuter la Convention conclue entre le Gouvernement de la République et Son Altesse le Bey de Tunis, le 8 Juin, 1883.

Une copie authentique du dit acte demeurera annexée à la présente Loi.

Art. 2. Le Ministre des Finances est autorisé à faire, en cas de besoin, à Son Altesse le Bey de Tunis, des avances productives d'intérêt à 4 pour cent et remboursables dans un délai maximum de dix années, à partir du 1^{er} Janvier, 1889, sans que les dites avances puissent dépasser la somme de 2,500,000 fr. par an.

Art. 3. Ces avances seront portées au débit d'un compte à ouvrir parmi les services spéciaux du Trésor, sous le titre "Avances à recouvrer sur la Régence de Tunis."

Art. 4. Le Ministre des Finances rendra compte, chaque année, par un Rapport au Président de la République, qui sera distribué au Sénat et à la Chambre des Députés, des avances faites et des remboursements effectués par le Gouvernement Beylical.

Fait à Paris, le 31 Juillet, 1883.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République:

Le Ministre des Affaires Étrangères,
(Signé) CHALLEMEL-LACOUR.

Le Ministre des Finances,
(Signé) P. TIRARD.

Convention entre la France et la Tunisie pour régler les Rapports respectifs des deux Pays.

SON Altesse le Bey de Tunis, prenant en considération la nécessité d'améliorer la situation intérieure de la Tunisie, dans les conditions prévues par le Traité du 12 Mai, 1881, et le Gouvernement de la République ayant à cœur de répondre à ce désir et de consolider ainsi les relations d'amitié heureusement existantes entre les deux pays, sont convenus de conclure une Convention spéciale à cet effet; en conséquence, le Président de la République Française a nommé pour son Plénipotentiaire, M. Pierre Paul Cambon, son Ministre Résident à Tunis, Officier de la Légion d'Honneur, décoré de l'Haid et grand'croix du Nichan Iftikar, &c. &c., lequel, après avoir communiqué ses pleins pouvoirs, trouvés en bonne et due forme, a arrêté, avec Son Altesse le Bey de Tunis, les dispositions suivantes:—

ARTICLE I.

Afin de faciliter au Gouvernement Français l'accomplissement de son Protectorat, Son Altesse le Bey de Tunis s'engage à procéder aux réformes administratives judiciaires et financières que le Gouvernement Français jugera utiles.

ARTICLE II.

Le Gouvernement Français garantira, à l'époque et sous les conditions qui lui paraîtront les meilleures, un emprunt à émettre par Son Altesse le Bey, pour la conversion ou le remboursement de la Dette Consolidée s'élevant à la somme de 125,000,000 fr. et de la Dette Flottante jusqu'à concurrence d'un maximum de 17,550,000 fr.

Son Altesse le Bey s'interdit de contracter, à l'avenir, aucun emprunt pour le compte de la Régence sans l'autorisation du Gouvernement Français.

ARTICLE III.

Sur les revenus de la Régence, Son Altesse le Bey prélèvera: (1) les sommes nécessaires pour assurer le service de l'emprunt garanti par la France; (2) la somme de 2,000,000 piastres (1,200,000 fr.), montant de sa liste civile, le surplus des revenus devant être affecté aux dépenses d'administration de la Régence et au remboursement des charges du Protectorat.

ARTICLE IV.

Le présent arrangement confirme et complète, en tant que de besoin, le Traité du 12 Mai, 1881. Il ne modifiera pas les dispositions précédemment intervenues pour le règlement des contributions de guerre.

ARTICLE V.

La présente Convention sera soumise à la ratification du Gouvernement de la République Française et l'instrument de la dite ratification sera remis à Son Altesse le Bey de Tunis dans le plus bref délai possible.

En foi de quoi les Soussignés ont dressé le présent acte et l'ont revêtu de leurs cachets.

Fait à la Marsa, le 8 Juin, 1883.

Note sur le Budget de la Régence de Tunis.

1. RECETTES.

Les revenus de la Régence se divisent en deux catégories: ceux qu'elle s'est réservée pour ses besoins et ceux qu'elle a concédés à ses créanciers par l'arrangement du 23 Mars, 1870. Les évaluations ci-après représentent la moyenne des cinq dernières années, qui ont précédé l'occupation Française, déduction faite de l'année la plus forte et de l'année la plus faible.

Revenus Réservés.						Fr.
Impôt de capitation ou medjbah	..	..	..	..	..	3,000,000
Frais de quittance de la medjbah	..	..	..	..	..	37,500
Dime sur les céréales	..	..	..	..	..	1,000,000
Dime sur les oliviers	..	..	..	..	..	200,000
Kanoun (droit perçu par pied d'arbre), sur les oliviers et les palmiers	..	..	..	..	..	540,000
Droits de chancellerie	..	..	..	..	..	45,000
Droits de poinçonnage sur les matières d'or et d'argent	..	..	..	..	..	43,000
Droits sur la fabrication de la chaux et des briques	..	..	..	..	..	48,000
Droits sur la fabrication des savons	..	..	..	..	..	32,000
Mahsoulates (droits divers, marchés, taxes locales)	..	..	..	..	..	595,800
Produits des domaines	..	..	..	..	..	116,400
Produit de la fabrique de chechias	..	..	..	..	..	12,000
Taxe du remplacement militaire	..	..	..	..	..	46,000
Kanoun des Mreja à Sfax et dans la Province d'Ouaten-el-Gebli, Kanoun-Kdor	..	..	..	..	..	93,700
Djerba (taxes spéciales imposées en échange de dégrèvements locaux)	..	..	..	..	..	Mémoire.
Produit des amendes	..	..	..	..	..	..
Produit des forêts	..	..	..	..	..	..
Redevances des mines	..	..	..	..	..	..
Total	..	..	..	..	..	5,809,400

Revenus Concédés.						Fr.
Douanes d'importation	..	..	..	..	..	906,665
.. d'exportation	..	..	..	..	..	1,200,000
Kanoun des oliviers du Sahel	..	..	..	..	..	600,000
.. de Sfax	..	..	..	..	..	72,000
.. de l'Ouaten-el-Gebli	..	..	..	..	..	48,000
Ferme du tabac et du poids public	..	..	..	..	..	585,000
.. des pêcheries	..	..	..	..	..	111,300
.. de la pêche des poulpes et éponges et du corail	..	..	..	..	..	80,100
.. de la douane, des vins et spiritueux	..	..	..	..	..	89,500
.. de l'exploitation et de la vente du sel	..	..	..	..	..	157,500
.. de la fabrication du plâtre à Tunis	..	..	..	..	..	43,000
.. du marché au charbon et au bois	..	..	..	..	..	38,000
Mahsoulates (diverses taxes locales)—						
Du Sahel	..	..	..	..	..	500,000
De Sfax	..	..	..	..	..	100,000
De l'Ouaten-el-Gebli	..	..	..	..	..	100,000
De Djerbah	..	..	..	..	..	54,000
De Bizerte	..	..	..	..	..	54,000
De la Goulette	..	..	..	..	..	24,000
Droit du timbre	..	..	..	..	..	216,000
Karoubé sur les loyers (taxe existant dans les villes)	..	..	..	..	..	86,000
Fondouk El Ghalla (marché aux légumes)	..	..	..	..	..	303,000
Marché aux céréales de Tunis	..	..	..	..	..	192,000
Marché aux céréales de la côte	..	..	..	..	..	96,000
Total	..	..	..	..	..	5,456,065

Total de l'évaluation des recettes avant l'occupation Française 11,265,465

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Il convient de modifier ces évaluations ainsi qu'il suit—

A ajouter :		Fr.	Fr.
Augmentations déjà acquises malgré les imperfections de l'organisation actuelle—			
Augmentation en 1882 des droits d'importation ..	..	893,335	
Augmentation des droits d'exportation ..	..	145,644	
Augmentations résultant des adjudications de 1882 :—			
Ferme du tabac et du poids public ..	..	408,000	
.. des pêcheries ..	..	26,100	
.. de la pêche des poulpes et éponges ..	..	30,000	
.. Douane des vins et spiritueux ..	..	43,500	
.. exploitation et vente du sel ..	..	232,500	
.. fabrication du plâtre à Tunis ..	..	17,000	
.. marché au charbon et au bois ..	..	7,000	
Augmentation sur le droit du timbre ..	..	80,000	
.. la karoube des loyers ..	..	198,000	
.. le foudouk El Ghalla (légumes) ..	..	117,900	
.. divers mahsoulates ..	..	439,000	
Enfin le Budget rentrera dans un délai rapproché en possession du ferme de la tannerie affecté à l'amortissement d'un emprunt à court terme, compris ci-après dans la Dette Flottante, ci ..			
	..	400,000	
Total à ajouter ..	..		3,098,079
Total de l'évaluation des revenus depuis l'occupation Française ..			
	..		14,363,544

A déduire :

Dégrèvements proposés—

1. Medjba ou capitation. Il est indispensable de diminuer l'impôt de capitation dit "medjba." Il s'élève à 27 fr. 15 c. par tête et frappe la partie de la population la plus pauvre. La première réduction proposée ne doit pas être inférieure à un cinquième : il en résultera pour le Trésor Beylical une perte de 600,000 fr. environ, ci .. 600,000

Mais on arrivera à compenser cette perte, dans l'avenir en restreignant les cas de dispenses et en modifiant l'assiette de l'impôt.

2. Droits d'exportation. Le Tableau des droits d'exportation est annexé à la présente note.

Les articles qui doivent être dégrévés, en premier lieu, sont les légumes, les orges, les blés et les huiles. Il est nécessaire de réduire d'abord de moitié les droits sur les huiles qui constituent la principale production du pays et, dans des proportions variables, les droits de sortie sur les autres produits agricoles. La diminution des ressources qui en résultera s'atténuera par le fait même de l'accroissement des produits : nous estimons au début la perte totale à .. 600,000

3. Restitution aux villes des revenus municipaux actuellement concédés aux créanciers .. 1,660,600

Reste .. 11,502,944

2. DÉPENSES.

Le Budget des dépenses s'élève actuellement à 4,085,000 fr. non compris les charges de la Dette Consolidée et de la Dette Flottante, ci .. 4,085,000

Ce chiffre, comme celui des recettes, doit subir les modifications suivantes :—

A ajouter :

1. Augmentation de dépenses nécessitées par l'amélioration des services administratifs :

Nous ne pourrions régulariser l'administration, assurer la perception des droits de Douanes et des autres revenus sans prévoir l'organisation d'un contrôle administratif et des rouages indispensables à l'assiette et à l'encaissement des ressources. Il sera procédé, peu à peu, et avec la plus stricte économie à l'installation des services nouveaux, mais, dès à présent on peut évaluer à 2,600,000 fr. les augmentations de dépenses ainsi réparties—

Administration Financière et Douanes ..	1,200,000
Entretien des voies publiques et constitution d'un service de voirie ..	1,200,000
Contrôle administratif ..	200,000
	2,600,000

	Fr.	Fr.
2. Augmentation de la Liste Civile de Son Altesse le Bey qui doit être portée de 720,000 fr. à 1,200,000 fr. (Article III de la Convention). Mais à la charge de certaines dépenses, ainsi qu'il sera expliqué ci-après, ci ..	..	480,000
Total à ajouter ..	..	3,080,000
A déduire :		
1. Traitement des membres de la Commission Financière ..	72,000	
2. Réduction sur les dépenses du Ministère de la Guerre Tunisien. Elles sont actuellement de 866,369 fr. et devront être ramenées progressivement à 500,000 fr. Pour la première année l'économie à réaliser est de ..	100,000	
3. Dépenses de la maison de Son Altesse le Bey, entretien des Palais à la charge de la Liste Civile ..	125,000	
		297,000
Reste à ajouter ..	..	2,783,000
Total des dépenses ..	..	6,868,000

3. DETTE CONSOLIDÉE ET DETTE FLOTTANTE.

	Capitaux.	Intérêts et Amortissements.
	Fr.	Fr.
La Dette Consolidée consiste en 250,000 obligations de 500 fr. rapportant 5 pour cent d'intérêt, remises en 1870 aux créanciers de la Régence, en vertu de l'arrangement de 1870. Elle comporte un intérêt annuel de ..	125,000,000	6,250,000
La Dette Flottante se compose de divers éléments—		
1. Coupons arriérés au moment de l'arrangement de 1870 restant encore à payer pour ..	11,245,915	
Ces coupons ne portent pas intérêt ; mais l'arrangement de 1870 a affecté à leur amortissement la portion des droits de douanes à l'importation dépassant 3 pour cent les droits étant actuellement de 8 pour cent, la part à effectuer chaque année à cet amortissement est égale aux cinq huitièmes des produits, soit ..	..	1,308,340
2. Coupons arriérés de la Dette Unifiée c'est-à-dire à des échéances postérieures à 1870 restant encore à payer pour ..	4,266,500	
Ces coupons ne portent également aucun intérêt : un Décret du Bey affecte à leur amortissement un cinquième du produit annuel de la Medjba, soit ..	..	600,000
Les besoins du Trésor Beylical ont rendu nécessaires, à diverses époques, des emprunts à court terme, dont le capital, encore dû, est de ..	1,671,300	
Et dont la charge d'intérêt à 7 pour cent environ est de ..	..	116,990
4. Emprunt à court terme de 811,000 fr. auquel sont affectés les produits du ferme de la tannerie (Dar el Geld), évalués à 400,000 fr. par an ..	811,000	400,000
5. Restes à payer exigibles sans intérêts sur les exercices antérieurs à 1299 (Octobre 1881 à Octobre 1882) ..	1,167,000	
6. Déficit de 1299 (1882-83) ..	1,400,000	
Nous nous trouvons donc en présence d'une dette nominale de 145,561,715 fr., à savoir—		
	Fr.	
Dette Consolidée ..	125,000,000	
Dette Flottante ..	20,561,715	

Mais, dans ce dernier total figurent pour 15,512,415 fr. les coupons arriérés remboursables sans intérêts et dont la valeur actuelle, eu égard au chiffre probable des annuités affectées à leur amortissement, ne peut être, en réalité, évalué à plus de 12 à 13 millions au maximum, soit 12,500,000 fr., ce qui réduit à 17,549,300 fr. ci ..	17,549,300
La somme à ajouter, à raison de la Dette Flottante, au capital de la Dette Consolidée s'élevant à 125,000,000 fr. ..	125,000,000
Total réel de la dette ..	142,549,300

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DROITS d'Exportation (Année 1882).

	Poids en Kilogramme.	Droits à Payer.	Droits perçus.
Alizzari	6 250	Fr. c.	Fr. c.
Arjaknou	1 400	24 85 par 100 kilog.	1,553 12
Amandes	24 352	1 95 "	27 30
" sans coque	10 095	6 20 "	1,512 30
Arnes	7 têtes.	18 60 "	1,877 67
Beurre	3,875 kilog.	12 35 par tête.	86 45
Blé	312,450	24 00 par 100 kilog.	2,209 87
Boutargues	13,575 "	5 05 "	15,778 72
Bœufs	2,017 têtes.	6 20 "	841 65
Bonnets rouges .. .. .	..	30 35 "	62,626 45
Cire .. .. .	..	3 pour cent ad valorem.	..
Cailles	53,168 kilog. 100.	12 40 par 100 kilog.	6,592 84
Chiffons	412 pièces.	3 84 par 100 pièces.	15 82
Cuir	363,711 kilog.	2 55 "	9,276 16
Citrons	394,114 "	8 10 "	31,823 25
Chevaux	243,350 "	2 00 "	4,867 00
Chameaux	41 têtes.	122 70 par tête.	5,030 70
Dattes, besser .. .. .	..	36 35 "	..
" Harra	5,387 kilog.	0 75 "	40 40
" Gabès	18,587 "	3 90 "	734 89
" Degla	101,772 "	1 90 "	1,984 55
Éponges, brunes	194,171 "	12 35 "	23,980 19
" lavées	6,675 500	0 75 "	50 07
Farine	59,347	3 90 "	2,314 53
Figues	7,400	1 95 "	144 30
Graine de lin	2,899	12 35 "	358 03
Graisie	950	18 60 "	176 70
Ghemmem	26,728 500	37 35 "	9,983 09
Goudron	50,662 500	1 95 "	987 14
Grignons	16,892 500	2 55 "	420 76
Halfa (Tunis-Sousse Monastir-Mehdia)	3,593,226	0 75 "	26,949 20
" (Sfax-Gabès)	4,777,420 500	1 85 "	88,282 28
Huile	5,435,650	1 25 "	67,945 37
Henna	6,153,418	12 35 "	759,947 12
Légumes	2,167	4 00 "	86 60
Laine, bonnetouf	2,460,900	5 00 "	123,345 00
" surge	17,657	14 70 "	2,595 58
" lavée	208,200 500	12 35 "	25,712 76
Miel	5,703	24 75 "	1,411 49
Mhamnès	863 250	12 35 "	106 61
Moutons	1,171 870	11 05 "	129 50
Mulets	1,646 têtes.	2 55 "	4,197 30
Ox d'animaux	13 "	30 35 "	394 55
Olives	493,794 kilog. 1/2.	1 25 "	6,172 43
Orges	592 500	8 35 "	49 47
Peaux de chèvres	324,004 850	3 20 "	10,368 15
" moutons	107,463 500	14 45 "	13,379 20
Pois de chèvre	52,650 500	9 85 "	5,186 07
Pistaches	6,494	12 45 "	823 52
Poisson salé	10	36 85 "	3 68
Poulpes	618,400	0 50 "	3,092 00
Poulains	2,920	12 45 "	363 54
Raisins secs	70	60 75 "	4,252 50
Son	462 500	2 55 "	11 79
Savon	432,888 875	1 75 "	7,575 55
Semoule	139,807	5 15 "	7,200 06
Sang	200	1 95 "	3 90
Scories	32,600	1 25 "	407 50
Tan	650	1 55 "	10 07
Poules	143,596 500	1 95 "	2,800 13
Oeufs	135 têtes.	15 00 par 100 pièces.	20 25
Pigeons	42,510 pièces.	0 60 "	255 06
Perdrix	302 "	7 50 "	22 65
Lièvres	1,014 "	7 50 "	76 05
Oies et canards	31 "	22 50 "	6 97
.. .. .	251 "	..	56 47
Total .. .. .	..	..	1,346,644 32

Mr. White to Earl Granville.—(Received August 9.)

(No. 73. Confidential.)

My Lord,

Tangier, August 2, 1883.

WITH reference to my despatch No. 72 of the 27th July, I have the honour to inform your Lordship that in an interview I had with Cid Mohammed Bargash this afternoon, he informed me that he had, on the previous day, received the visit of the Italian Admiral, accompanied by his staff and by the Italian Minister, Signor Scovasso.

Cid Mohammed Bargash told me confidentially that the subject of the demands put forward by Signor Scovasso was introduced, and that the explanations he offered were not favourably received, and that, when he observed that the claims of subjects of other foreign nations, such as those of Great Britain, had not been paid, Signor Scovasso interrupted him with the assertion that the French claims had been paid, and that, as regards British claims, he knew that the statement that they had not been settled was a mere fiction.

Cid Mohammed Bargash further informed me that Signor Scovasso spoke in menacing language of what would happen if his demands were not acceded to before the expiration of the twenty days, giving him to understand that hostile measures would be resorted to by the Italian squadron.

Cid Mohammed Bargash added that he did not think he could possibly receive the Sultan's answer within the appointed term, as His Majesty is engaged in chastising a rebel tribe in a disturbed part of the country between Morocco and Rabat, and that he (Cid Mohammed Bargash) could not assume the responsibility of acceding to the Italian demands without the Sultan's orders.

This state of things is undoubtedly serious, for, though I cannot believe that the Italian squadron will proceed to acts of hostility, when no real Italian interests are engaged, I fear the character of Signor Scovasso offers no guarantee that violent measures may not be resorted to, for he is rash and headstrong, and may fancy that, if he fails in compelling the Moorish Government to yield to his demands the prestige of Italy, and his own prestige, of which he is extremely jealous, may suffer.

Signor Scovasso, on a former occasion, brought on a temporary rupture of relations between the Italian and Moorish Governments, by striking his flag on no other grounds than the arrest of a Moorish subject not under Italian protection, a relative and partner of a native of this country, who had obtained Italian naturalization.*

I think it probable, however, that Signor Scovasso, relying on the well-known timidity of Cid Mohammed Bargash, may have attempted to frighten him into submission by threatening measures, which he will hardly venture to put into execution.

I have, &c.

(Signed) HORACE P. WHITE.

No. 74.

Earl Granville to Mr. Fraser.

(No. 187.)

Sir,

Foreign Office, August 10, 1883.

ON the 3rd instant the Italian Ambassador was good enough to communicate to me a copy of a Memorandum, dated the 18th ultimo, which had been placed in the hands of the French Ambassador at Rome by the Italian Government, referring to the establishment in Tunis, by virtue of the French Law of the 27th March last and the Beylical Decree of the 5th May, of the French Tribunals in that Regency; and setting forth the conditions under which the Italian Government would be prepared to recommend to the Italian Chamber the suspension of the foreign Consular jurisdiction in Tunis, such as has heretofore existed under the Capitulations and existing Treaties.

I thanked Count Nigra for the communication of this paper, which I assured his Excellency should be carefully considered by Her Majesty's Government. I explained to him that the present inclination of Her Majesty's Government was not to go too much into details as regards the new order of things, but to reserve questions as they might arise to be decided according to the general formula which they had adopted.

Count Nigra said that he admitted that the plan thus laid down by Her Majesty's Government had its advantages, but it also had its disadvantages. It was more

* See despatches No. 37 of December 22, and No. 38 of December 27, 1869.

convenient for the present, but it might be more advantageous, as regarded the future, to come to an arrangement on certain matters of detail.

I am, &c.
(Signed) GRANVILLE.

No. 75.

Earl Granville to Mr. Fraser.

(No. 188.)

Sir,
Foreign Office, August 10, 1883.
I TRANSMIT to you herewith copies of two despatches from Mr. White, who is now in charge of Her Majesty's Legation at Tangier,* reporting the arrival of certain vessels of the Italian navy in that port, in support, as it is presumed, of demands which have been made upon the Moorish Government by the Italian Minister, for the settlement of certain outstanding claims of Italian subjects and of natives under Italian protection; to which, it appears, has been added the further demand for the dismissal of the Governor of Kerbat, who is stated to have held that office for many years, and to bear a high character.

I have to request that you will inquire, unofficially, of the Minister for Foreign Affairs whether the presence of the Italian ships of war off Tangier, and the demand which, it appears, has been made by M. Scovasso, are indicative of any intention to proceed to hostilities in certain events.

I am, &c.
(Signed) GRANVILLE.

No. 76.

Earl Granville to Count Nigra.

M. l'Ambassadeur,

Foreign Office, August 13, 1883.

ON a late occasion you made the inquiry, personally, as to what were the views of Her Majesty's Government on a recent Spanish Circular respecting the construction of Article XII of the Madrid Convention of the 3rd July, 1880, respecting right of protection in Morocco.

I have the honour to state that the Circular in question has not been communicated to this Department.

I have, &c.
(Signed) GRANVILLE.

No. 77.

Mr. Reade to Earl Granville.—(Received August 15.)

(No. 40.)

My Lord,

Tunis, August 6, 1883.

CONFORMABLY with my telegram No. 19 of this day, I have the honour to transmit a copy of a paper which the English Representatives on the Board of Control of the International Finance Commission at this place have requested that I should submit to the consideration of your Lordship. A similar document has reached my Italian colleague from the Representatives of his country on the same Board, and has been forwarded by him to the Foreign Office at Rome.

The presenters of this paper refer to the conditions under which the Finance Commission was originally constituted, and ask whether the negotiations which are being conducted at Paris for its abolition are not, under the circumstances, incompatible with the fundamental engagements.

I have, &c.
(Signed) THOS. F. READE.

* Nos. 63 and 73.

Inclosure in No. 77.

Paper regarding Constitution of International Finance Commission of Tunis.

LA dette Tunisienne n'a pas été formée comme celle d'autres États, par une émission de rentes pour une valeur nominale, à laquelle les souscripteurs adhérant volontairement, il en résulte pour l'État qui l'émet, la faculté d'éteindre cette dette, soit en la remboursant à la valeur nominale, soit au moyen d'une conversion.

On doit observer, pour ce qui concerne la dette du Gouvernement Tunisien, qu'en 1869 ce Gouvernement avait une forte somme de dettes à payer provenant d'argent emprunté à intérêts, de fournitures de marchandises et émoluments d'employés, auxquelles il se trouvait dans l'impossibilité de faire face. D'accord avec l'Angleterre, la France, et l'Italie, il s'établit la formation d'une Commission Financière, dans laquelle d'un côté les créanciers devaient être représentés par un Comité de Contrôle élu par eux, et, d'un autre côté, le Gouvernement par un Comité Exécutif.

Cette Commission, par Contrat du 23 Mars, 1870, unifiait toutes les dettes de la Régence en une seule, de 125,000,000 fr., portant intérêt de 5 pour cent l'an, et garantie par divers revenus concédés que le Gouvernement Tunisien affectait pour le service de la dette.

La Commission Financière, pour arriver au résultat prescrit par le contrat, dût réduire plus ou moins les sommes des créances primitives au moyen de diverses catégories, dans lesquelles la réduction vint opérer soit sur le capital, soit sur les intérêts, et comme légère fiche de compensation, il fut stipulé dans le contrat, que la dette nouvelle serait amortissable par le rachat de ses propres titres—clause qui faisait espérer aux porteurs de voir, tôt ou tard, le prix du titre supérieur à la valeur nominale, et obtenir ainsi une compensation aux réductions imposées par l'unification.

De fait, dans le susdit contrat, il n'a jamais été fait mention de *remboursement*, mais toujours de *rachat*. Ainsi, au septième paragraphe :—

"Les obligations qui seront émises par suite de la présente opération, jouiront à leur rachat intégral de tous privilèges d'antériorité, &c."

Au treizième paragraphe :—

"Le présent arrangement, et les stipulations qui en découlent, sont consentis au profit de tous les créanciers actuels, moyennant la cession faite par son Altesse le Bey spontanément, librement, et dans le plein exercice de ses pouvoirs souverains, à tous ses créanciers, solidairement et indivisément, des revenus ci-après désignés, dont le produit sera intégralement employé par les soins du Conseil d'Administration, sans les restrictions énoncées plus loin, au service soit des intérêts, soit de l'amortissement, par la voie du rachat, soit des frais d'administration de toute nature, et ce jusqu'à extinction complète de la dette, qui sera liquidée et arrêtée par la Commission Financière."

Au vingt-septième paragraphe :—

"Si le produit des revenus concédés s'élevait à une somme supérieure à 6,500,000 fr., sans dépasser toutefois 8,000,000 fr., l'excédent serait employé à l'amortissement de la dette par la voie du rachat au cours du jour."

Il existe même sur les titres de la Dette Tunisienne la mention que l'extinction aura lieu par voie du rachat.

On demande si le Contrat du 23 Mars peut être légalement annulé sans le consentement des créanciers, représentés par leur Comité de Contrôle; et si, en droit, le Gouvernement Tunisien, ou qui que ce soit, puisse payer la dette actuelle en remboursant les titres à leur valeur nominale, ou doive en faire le rachat au cours du jour avec l'assentiment des détenteurs.

On demande, en outre, si, éteinte seulement la dette des 125,000,000 fr., et celle des certificats de coupons arriérés ne l'étant pas, la Commission Financière peut en droit retenir la possession de la Douane jusqu'à paiement intégral de ces certificats auquel ont été affectés les 5 pour cent de droits supplémentaires sur l'importation des marchandises établis spécialement à cet effet.

On appelle également l'attention sur les deux Articles ci-après du Décret de Son Altesse le Bey en date du 26 Rebia el Oual, 1286 (5 Juillet, 1869), relatif à l'organisation d'une Commission Financière Internationale.

"Art. 9. Le Comité Exécutif percevra tous les revenus de l'État sans exception et ne pourra émettre aucun bon de Trésor ou valeur quelconque, sans l'assentiment du dit Comité, dûment autorisé par le Comité de Contrôle, et si le Gouvernement était obligé, ce que Dieu ne veuille, à contracter un emprunt, il ne pourra le faire sans l'approbation préalable des deux Comités."

ALL WITHOUT PERMISSION OF THE
PUBLIC RECORD OFFICE, LONDON

Art. 11. Le Comité de Contrôle connaîtra de toutes les opérations du Comité Exécutif, il sera chargé de les vérifier et de les approuver s'il y a lieu. Son approbation sera nécessaire pour donner un caractère exécutoire aux mesures d'intérêt général arrêtées par le Comité Exécutif.

N'en résulte-t-il pas que le Gouvernement Tunisien ne pourrait légalement contracter un nouvel emprunt sans le consentement de la Commission Financière ?

No. 78.

Count Nigra to Earl Granville.—(Received August 15.)

(Translation.)

My Lord,

35, Queen's Gate, London, August 14, 1883.

THE Royal Government has received from the Italian Comptroller at Tunis a Memoir, setting forth various questions respecting the Public Debt of Tunis, in view of the new financial régime which France, it would seem, intends to establish in that country.

On the supposition that your Lordship may have received a similar document from the English Comptroller at Tunis, I have the honour, in pursuance of instructions from my Government, to ask that your Lordship would be so good as to impart to it the views of Her Britannic Majesty's Government upon this subject.

Thanking you beforehand, I have, &c.

(Signed) NIGRA.

No. 79.

Mr. White to Earl Granville.—(Received August 15.)

(Telegraphic.)

Tangier, August 14, 1883.

WITH reference to my despatch No. 73, reply of Sultan to Italian demand not yet received. Twenty days have expired. Italian Minister claims from Moorish Government expenses of Italian squadron from to-day. Moorish Minister promises justice, but will not yield to demands without instructions from Sultan until force is threatened.

No. 80.

Pro-memoria communicated to Earl Granville by Count Nigra, August 16.

DEPUIS deux ans plusieurs questions sont pendantes entre l'Italie et le Maroc. Il a été impossible jusqu'ici au Gouvernement Italien, malgré la modération de ses demandes et son esprit de conciliation, d'obtenir une solution. Le Ministre d'Italie à Tanger vient de résumer les réclamations de l'Italie et il demande au Gouvernement du Maroc d'y faire droit. Le Gouvernement Marocain semble nourrir l'illusion qu'il trouvera auprès du Représentant Anglais à Tanger un appui pour se soustraire à ses obligations envers l'Italie. Il serait important, afin de conjurer des complications, que le Gouvernement de Sa Majesté Britannique voulût bien donner à son Représentant à Tanger des instructions pour l'engager à dissiper toute illusion dans l'esprit du Gouvernement Marocain et à le convaincre qu'il ne doit s'inspirer que d'un sentiment de justice et de la conscience de ce qu'il doit à ses véritables intérêts.

Le Gouvernement Italien aime à faire appel, en cette circonstance, aux sentiments amicaux du Gouvernement Anglais.

Londres, le 16 Août, 1883.

No. 81.

Earl Granville to Mr. Fraser.

(No. 197.)

Sir,

Foreign Office, August 16, 1883.

THE Italian Ambassador called upon me to-day and made the following statement:—

No. 80*.

Earl Granville to Mr. White.

(No. 38.)

Sir,

Foreign Office, August 16, 1883.

I INCLOSE, for your information, a copy of a letter from the agents of the Soos and North Africa Trading Company,* reporting that certain goods landed and stored by them at Erksheesh (Moorish) territory had, on or about the 27th June last, been plundered by sundry tribes, and everything carried off.

You will observe that the letter states that "this has been done by order of the Emperor of Morocco," and further on, "that the Emperor was a party to the occurrences cannot be doubted, the Sultan's troops were within a quarter of a mile from the spot, and the officer in command threw all our employés, Moorish subjects, into prison, and had them severely beaten and ill-treated."

I have to request that you will furnish me with a report on this matter, and especially as to the correctness of the assertions of the Company's agents in regard to the complicity of the Sultan in the alleged plunder of the Company's property, and the treatment of their servants by the officer in command of his troops.

I am, &c.

(Signed) GRANVILLE.

That for two years past various questions have been pending between the Italian and Moorish Governments, and that, notwithstanding the moderation of her demands and the conciliation which she had shown, Italy had been hitherto unable to obtain a settlement.

The Italian Minister at Tangier had just renewed the demands of Italy, and had called upon the Moorish Government to comply with them.

Count Nigra observed that the Moorish Government appeared to cherish the illusion that they would be supported by the British Representative at Tangier in evading their obligations towards Italy, and it was important, in order to prevent complications, that Her Majesty's Government should instruct their Representative at Tangier to remove all misconception from the mind of the Moorish Government, and to convince them that their only duty was to be animated by a sense of justice and uprightness in those matters which concerned their true interests.

Under these circumstances, the Italian Government gladly appealed to the friendly sentiments of that of Her Majesty.

I inquired of Count Nigra whether he could state what was the actual position of affairs. Some apprehension had been felt in this country and elsewhere in regard to some possible precipitate action on the part of Italy.

M. de Nigra said that he was unable to give me any details, as the information which he had received had come by telegraph; but he could take upon himself to assure me that there was no intention to precipitate any measures. He observed that the request which he had just made was to a certain extent a proof of this statement.

I told M. de Nigra that, with my imperfect knowledge of the demands of his Government, I could not promise support of the Italian claims; but that I was quite sure that the action of our Representative at Tangier would be the very reverse of encouraging the Government of Morocco in taking any attitude which would complicate matters between the two countries, and that I would communicate with our Representative on the subject.

I am, &c.
(Signed) GRANVILLE.

No. 82.

Sir J. Pauncefote to Messrs. McNaught, Pearse, and Middleton.

Gentlemen,

Foreign Office, August 16, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 4th instant, reporting the circumstances attending the plunder by certain tribes, in the month of June last, of goods belonging to the Sûs and North African Trading Company at Erksheesh, on Moorish territory; and I am to inform you that Lord Granville has requested Her Majesty's Minister at Tangier to furnish him with a Report on this subject.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 83.

Mr. Reade to Earl Granville.—(Received August 17.)

(No. 42.)

My Lord,

Tunis, August 11, 1883.

WITH reference to my despatches No. 30 of the 11th June and No. 39 of the 1st instant, on the subject of General Sid Hamida Ben Ayad's claims against the Tunisian Government, I have the honour to report that that gentleman proceeds to England this day on business connected with those claims. I mention this in case he may be required to furnish any further particulars to your Lordship's Office. Any communication addressed to him to the care of Mr. A. M. Broadley, Wanderers' Club, would be duly delivered to him.

I have, &c.
(Signed) THOS. F. READE.

Messrs. McNaught, Pearse, and Middleton to Earl Granville.—(Received August 17.)

My Lord,

WE take the liberty of addressing you on the subject of our letter dated the 4th August, and pray your Lordship will be so good as to direct that our petition expressed therein be attended to with as little delay as possible. Mr. McNaught of our house is now in Tangier, and we urgently beg your Lordship to forward instructions to Her Majesty's Embassy there to render him every assistance in his task of putting our claim before the Emperor of Morocco.

My Lord, any assistance given to our Representative in the manner indicated will be most thankfully acknowledged.

We have, &c.

(Signed) McNAUGHT, PEARSE, AND MIDDLETON,
Agents to the Sûs and North African Trading Company (Limited).

Inclosure in No. 84.

Extract from "Le Réveil du Maroc" of August 8, 1883.

DÉCIDÉMENT le Maroc et son Gouvernement deviennent tous les jours un foyer de plus en plus grand où vont converger des complications de toutes sortes. A peine sortis d'une affaire que les voilà enchevêtrés dans une autre, grâce à l'incurie des fonctionnaires haut placés lesquels, au lieu de conseiller Sa Majesté le Sultan d'aplanir les difficultés en les tranchant d'un coup habile, persistent dans le système inique et déplorable de laisser trainer, ou plutôt de compliquer les affaires au point d'aggraver les plus simples questions et de leur donner une portée qui compromet sérieusement le Chef de l'État.

C'est hier encore qu'on a vidé la difficulté des réclamations Françaises, et nous avons aujourd'hui la question Américaine, inutilement ajournée et que le Gouvernement se voit obligé de résoudre au gré du demandeur, toujours parce que ses fonctionnaires ne se soucient pas de manquer à leurs devoirs.

Vient après la fameuse affaire de Santa Cruz de Mar Pequena, que l'on veut bien mener à fin, mais que Dieu sait quand et comment. A ces réclamations s'ajoute une autre qui vient tomber, celle-là, comme la foudre: la demande de l'Italie toujours soulevée par le manque de probité chez les fonctionnaires.

Ne parlons pas des affaires secondaires qui sont encore jeunes, mais qui grandiront avec l'âge. Aujourd'hui nous nous trouvons en face d'une complication qui concerne la Compagnie Anglaise, "The Sûs and North African Trading Company," dont les magasins et dépôts de marchandises ont été pillés et détruits à Erksheesh, et qui est fermement résolu à réclamer, auprès de qui de droit, indemnisation à leurs pertes, qui s'élèvent à un minimum de 10,000l. D'après des renseignements précis que nous avons reçus, il résulte que lorsque l'Envoyé du Sultan avait invité Mr. Curtis, l'agent de la Compagnie, à l'accompagner au Maroc, pour avoir une entrevue avec le Sultan, Mr. Curtis fait observer qu'il ne pouvait laisser les entrepôts seuls entre les mains des Arabes, et cela n'a été que sur l'assurance donnée par le fonctionnaire Arabe que tout serait en sûreté, que Curtis s'est décidé à l'accompagner.

On nous assure également que, pendant le pillage, il y avait, postée à 100 pas de la station, une force armée de 1,500 hommes environ, troupes du Sultan, qui prirent leur part du butin. La complication est d'autant plus grande qu'on ne peut déterminer jusqu'à quel point le Sultan a de juridiction sur Erksheesh. Dans l'hypothèse que cet endroit soit de la juridiction du Sultan, le devoir lui incombe de rendre responsables les autorités qui ont entraîné des négociants étrangers à apporter des marchandises sur un territoire du Sultan que ces Chefs représentaient comme indépendant, et du moment que Sa Majesté eut le pouvoir de faire amener Mr. Curtis comme prisonnier [?], de mettre ses deux agents à l'ombre, et de placer 1,500 hommes près de la station, il lui aurait été également possible de faire respecter les biens de la Compagnie, surtout après la promesse faite par son Envoyé Extraordinaire. Si, au contraire, ces territoires échappent à l'autorité du Sultan, ne s'est-il pas compromis, en permettant à son Agent de donner à Curtis l'assurance qu'il n'y avait rien à craindre pour son entrepôt, et en envoyant après une expédition qui a pillé ces mêmes biens? De tout ceci il n'y a qu'une seule conclusion à tirer, à savoir: que la

Compagnie Anglaise a été attirée dans un guet-apens. Tendu par qui? Nous l'ignorons. Qui en est responsable? C'est à vérifier. Sur qui les complications? Sur le Sultan. Qui en est la cause? Deux fonctionnaires, l'Envoyé Extraordinaire et le Commandant des troupes stationnées à Erksheesh, dont l'un avait agi dans le sens contraire à l'engagement pris par l'autre.

General Hamida Ben Ayad to Earl Granville.—(Received August 17.)

My Lord,

*Ling's Hotel, 4, Suffolk Street, Pall Mall,
August 17, 1883.*

I HAVE the honour to forward to your Lordship two letters addressed to the Foreign Office by Her Majesty's Agent and Consul-General at Tunis. At the same time, I venture to crave your Lordship's attention to a brief narration of certain facts which will explain the object of my visit to London, and the circumstances under which I ask the assistance of Her Majesty's Government.

Your Lordship is probably aware that I am one of the largest landed proprietors in the Regency of Tunis, and the representative of an ancient Arab family which for centuries exercised sovereign power over the land of Jerba in that country.

For nearly forty years my father, myself, and other members of my family have enjoyed the privileges of British-protected subjects.

This position was originally granted to us through the good offices and at the special request of Lord Palmerston, and it was again officially recognized during the administration of the late Lord Clarendon. Our status, as enjoying British protection, has been uniformly recognized during a long series of years by the Tunisian Government, as well as by the various foreign Powers represented in Tunis.

I also deem it necessary to state that the action of Lord Palmerston on my father's behalf was taken upon the French Government giving a similar protection to his brother, Sid Mahmoud Ben Ayad, who held at the time the chief financial post in the Tunisian Regency.

During the reign of the late Bey and his predecessor I held successively various offices of trust in their service, and, after filling the post of Governor of different provinces, I finally attained the rank of a General, and received the highest decoration of the Tunisian Order.

During the past twenty years I had business relations of various kinds with the Beylical Government, which unfortunately resulted in my being a creditor of the State for a large amount. These transactions were unsought by me. They originated in the personal request of the Sovereign at a time when my patriotic feelings were appealed to to assist him in saving my fellow-citizens from the consequences of a famine.

Through the efforts of the present British Agent and his predecessor I had nearly succeeded in obtaining a liquidation of my claims, when the country became subject to a French Protectorate, which placed the real government of Tunis effectively in the hands of the French Minister Resident.

It soon, I regret to say, became apparent that the fact of my being entitled to the privilege of British protection could neither be forgotten nor forgiven.

I need not enter into the details of the various obstructions which were industriously offered to the adjustment of my claims, nine-tenths of which are admitted to be incontestable. They have been, along with the details of the claims themselves, truthfully exposed in a Memorial, drawn up in the French language by my legal advisers, and which is already in your Lordship's possession.

To this Memorial the Tunisian Government and the French Minister of Tunisian Foreign Affairs alike abstain from answering.

But this is not all. Other complaints addressed by me to the British Representative at Tunis will have informed your Lordship of further wrongs to which I have been subjected. It is almost incredible, but nevertheless true, that I have been forcibly dispossessed by French subjects of a valuable property over which the British authorities, with the consent and concurrence of the French Resident, had placed guards pending the decision of a claim put forward to the land by a Frenchman.

In similar cases, differences such as mine have been over and over again referred to arbitration.

It is evident that in matters where the Government is party no other solution is possible.

Many precedents exist for this course being adopted, but the French Resident refuses to treat me as others have been treated.

The abolition of the Capitulations would place me entirely at the mercy of those who have with so much determination opposed any settlement of my demands.

The abolition of the Capitulations, as far as I am concerned, means my absolute and complete ruin.

I ask, therefore, that Her Majesty's Government will support my prayer that my long-pending case be referred to arbitration.

My own consciousness of the justice of my claims makes me comparatively indifferent to the details of the Arbitral Commission, provided it be of an international character.

I have come to London with the object of giving personally any explanation as to my claims and position which may be desired.

I trust, therefore, that (if considered necessary) an opportunity may be afforded me of offering verbally further explanations as to the various Petitions which have been addressed to your Lordship in support of my request for the good offices of Her Majesty's Government to obtain the settlement of my claims against the Tunisian Government by way of arbitration.

(Signature of General Hamida Ben Ayad.)

No. 86.

Mr. Reade to Earl Granville.—(Received August 17.)

(No. 41.)

My Lord,

Tunis, August 7, 1883.

I HAVE the honour to place before your Lordship a Petition which Mr. Michele Pisani, the British Pro-Consul, and some 200 other members of the Maltese community at this place have thought proper to address to me, for the declared purpose of repudiating all connection with the protest that was recorded, about a month ago, in a document of the same kind, by the wife of Giovanni Mangano and a numerous body of sympathizers against the arbitrary proceedings of the French authorities as manifested on a variety of occasions, but more particularly on that in which the said Giovanni Mangano was, as they believed, cruelly and unjustifiably ill-treated.

A long letter, signed by Mr. M. Pisani and two others, accompanies the Petition, and explains more fully the views of the petitioners.

It is, my Lord, with a feeling of profound regret that I submit these papers to your consideration, as, apart from other considerations, the duty has devolved upon me of calling especial attention to the fact that the party chiefly responsible for the movement in connection with the Petition is, by his own admission, the before-named subordinate officer of Her Majesty's Consulate.

I beg to inclose also a copy of my reply to the above communications, and to subjoin some further observations regarding them.

Mr. M. Pisani and some of the leading petitioners being closely allied to the French by business transactions, there is reason to apprehend that their action, in the present instance, has been influenced by motives of a personal character rather than by any consideration for the interests of the public in general. In support of this view, I may mention that Mr. M. Pisani is the banker and general agent of the Cardinal Lavig  rie, whose expenditure in the purchase of land and other property, and in the erection of churches and other public buildings, has been on a scale which has excited the astonishment of the whole population; and as, owing to the absorbing nature of his own business, his attendance at the Consulate for the last two years may be said to have altogether ceased, he is probably ignorant of much that passes in the official world. His appearance now as the exponent, in a public document of which he is avowedly the author, of a political view of things, which, if not acquiesced in by Her Majesty's Government, may tend to seriously compromise the situation I am bound as the guardian of British interests to maintain, is, in my humble opinion, unpardonably reprehensible.

Of the other two signers of the supplementary letter, very little need be said further than that, like the rest of the petitioners, they follow the lead of their more intelligent and influential compatriot, the Pro-Consul. The part taken by Mr. Tabone is, it is true, somewhat remarkable, as I have on more than one occasion defended him from ill-treatment on the part of French officials; and there is in my possession a letter in which notice is officially communicated that if, within a term of one month, he (Mr. Tabone)

did not throw down or demolish a building he had constructed on some ground belonging to him in this city, the executive agents of the Municipality would proceed to do it for him of their own accord, and without reference to any other authority. The threatened violation was not carried into effect, but I suppose it is, nevertheless, with a view to escape further molestation of the same kind, that this gentleman is inclined to throw in his lot with the invaders and occupiers of the Regency. Mr. Giovanni Maria Pisani, although a man of bad faith, and a defaulter in respect of some Tunisian bonds upon which he lately incurred losses, which he has not thought proper to make good, has extensive contract operations with the French troops, and, with a person of his stamp, the consideration of personal interests must naturally weigh far more than any regard for the welfare of the public in general.

Regarding the other signatures to the Petition, there are probably not half-a-dozen that answer the description given of them in the supplementary letter as being the signatures of "merchants, landed proprietors, and house-owners." Among these are three brothers of the Mifsud family, who, as holders of the tobacco monopoly, are, perhaps, more deeply engaged with the French than all the other petitioners, and dare not probably withhold their names from a document so evidently intended to secure the favourable consideration of the ruling authorities. The remaining signatures are, for the most part, those of petty traders, brokers, and shop-keepers, hackney-coach proprietors and drivers, waiters at caf  s, clerks, messengers, and bankrupt commercial men. Many of them say they did not know what they were signing; others insist that their intention was merely to declare they had nothing whatever to do with Mrs. Mangano's protest; and some, whose names are written in the margin,* have requested at this Office to have their names removed from the Petition. Two had already struck their names out before the Petition left Mr. M. Pisani's hands. I am, moreover, assured that, notwithstanding all the signatures are pronounced to be genuine, many of the parties they represent are known to be illiterate. In order, however, that some idea may be formed as to the value or business-like appearance of the signatures, I have felt it my duty to transmit the Petition to your Lordship's Office in original.

With regard to the subject-matter of the Petition itself, I am anxious to avoid all needless comment, and shall confine myself, as far as possible, to the correction of such statements as I believe to be inaccurate or unfounded. One of these statements being to the effect that the abolition of the Consular jurisdiction would be regarded with favour by the general body of Maltese colonists, I must beg to meet it with a distinct and formal refutation. If, on the other hand, it were necessary to support the opposite view with signatures from the Maltese colony, I have no doubt a thousand such signatures could, without much difficulty, be procured.

That the institution of French Tribunals is not altogether so popular with the Maltese as the writers of the Petition have assumed may, I think, be inferred also from a despatch, dated the 11th ultimo, which I have received from the British Vice-Consul at Sfax, and which I have the honour to herewith inclose.

On another point I feel it is incumbent on me to offer a few remarks. It is with regard to the state of insecurity to which, owing to a defective police organization, we were, some months ago, subjected.

After drawing a gloomy picture of the circumstances which then existed, but which have since happily terminated, the authors of the supplementary letter do not hesitate to hold the Consular Representatives responsible for the evils they denounce. A more gratuitous and unfounded charge was never made, as there is really no reason why, if so instructed, the French gendarmerie should not supply any insufficiency on the part of the native police to discharge all the duties that may be required of them.

Having submitted my views with regard to this matter in a former despatch (No. 26 of the 31st May last), I have nothing to add to what I then stated.

Much could be said in opposition to the allusion which is made to the projected transfer of the Financial Department of this Government to French administrators. Your Lordship is, however, aware of the satisfactory manner in which the functions of the International Commission have been discharged, and I therefore refrain from referring again to the subject.

It is unnecessary, my Lord, I should dwell upon the painful effect which the present Petition has created in my mind. Drawn up and circulated by an officer whose connection with the Consulate dates from thirty years ago, it has shaken my confidence in those upon whom I had felt I could place the fullest reliance. The part taken by that officer's fellow-petitioners is, also, not a little discouraging to one who, in times of

* Paolo Darmanin, F. Ghirlando, P. Sant, G. Depatisla, Antonio Attard, Ch. Falzon, Giorgio Baldanino, and M. Saliba.

more than ordinary difficulty, has exerted himself to the best of his ability in the protection and furtherance of their interests.

I know not whether it may be your Lordship's pleasure that any further notice should be taken of the above proceedings. It has occurred to me, however, that, provided the suggestion be deemed practicable, an opportunity is afforded of ascertaining the sentiments which really prevail among the Maltese colony as to the projected change of jurisdiction. Such a result would, in my opinion, be attained if the wishes of the petitioners were acceded to so far only as to allow those who have signed to be enrolled under the jurisdiction for which they have asserted so decided a preference. Mr. Pisani, at least, who tells us that the Consular authority has no longer any *raison d'être*, will have no reason to complain if, so far as he is himself concerned, he is taken at his word.

I have, &c.
(Signed) THOS. F. READE.

P.S.—Since writing the foregoing despatch I learn that a copy of the Petition it incloses has been presented to the French Residency.

T. F. R.

Inclosure 1 in No. 86.

Petition from certain Maltese British Subjects to Mr. Reade.

M. le Consul-Général,

DANS le No. 2 du journal "La Mejerdah," qui se publie à Cagliari, on lit le texte d'une Pétition portant en tête: "Pétition de la colonie Anglaise," et qui vous aurait été adressée le 9 courant.

Cette Pétition, qui est aussi écrite au nom de la femme de Mangano, après avoir parlé de ce malheureux incident, que nous regrettons, se plaint des procédés des autorités Françaises, et conclut que si les Capitulations venaient à être abolies, la vie et les biens de 16,000 Maltais en Tunisie seraient en danger.

Les noms des signataires n'étant pas publiés, nous, Soussignés, membres de la communauté Britannique à Tunis, tenons à constater que nous ne l'avons pas signée.

En ce qui concerne l'incident Mangano, nous sommes d'opinion que c'est aux parties intéressées à réclamer auprès des autorités compétentes et nous n'avons pas à nous en mêler, ni à envenimer davantage la question.

Quant à l'abolition de la juridiction Consulaire, nous croyons que si notre Gouvernement, dans sa sagesse, croit convenable d'y consentir, nous ne devons pas nous y opposer, attendu que les Colonies de toutes nationalités ayant beaucoup augmenté depuis quelques temps et par cela le nombre des litiges étant multiplié, il vaudrait mieux, à notre avis, être soumis à une seule loi plutôt qu'à dix lois différentes.

Nous prenons la liberté, M. le Consul-Général, de vous informer que nous allons donner publicité par la presse à cette déclaration, et nous saisissons, &c.

Tunis, le 29 Juillet, 1883.

(Signé) M. PISANI.
(And 201 others.)

Inclosure 2 in No. 86.

Messrs. M. Pisani (the Pro-Consul), Bartolo, and G. Pisani to Mr. Reade.

Sir,

WE have been charged by the signatories of the Petition, dated the 25th ultimo (the draft of which was read to you by the first of the Undersigned), to forward the same to you, and you will be good enough to find it herewith inclosed.

It is signed by 202 British subjects, many of whom are merchants, landed proprietors, and house-owners; many were born here, or have been residing in this country for the last twenty, thirty, and thirty-five years, and even more.

We can assure you that the signatures are genuine, and of the persons of whom they purport to be.

Many of the signatures, as well as many of the individuals, must be well known to Her Majesty's Consulate-General.

It is our intention not to publish it for the present, but we are requested to beg of

you to transmit it to Her Majesty's Principal Secretary of State for Foreign Affairs for his kind consideration.

Our object in addressing you is to establish that we are no parties to the Petition sent to you on the 9th ultimo, and published in the "Medjerdah" as emanating from the British colony.

We consider this document as a violent diatribe against the proceedings of the French authorities in Tunis. Our paramount interest is to conciliate and not to irritate them by general statements, the veracity of which is anything but substantiated, and which we cannot admit, as we cannot admit that our Government, strong and powerful as it is, and respected over all the globe, could not obtain for us reparation when that reparation was legitimately due.

Our Petition is most carefully worded and intended to give offence to no one, nor to arouse the susceptibilities of any.

In speaking of the probable abrogation of the different Consular jurisdictions, we have left it to the wisdom of our Government to accede to the wishes of the French Government or not, but we could not refrain from expressing our desire that the same may be abolished, inasmuch as the conflict of ten different laws, now that the foreign colonies have so largely increased, interferes most prejudicially with the ordinary course of our business, and we are insufficiently protected from the ill-doings of others.

A striking example of this was exhibited last winter. A band of European malefactors had become (for four consecutive months) the terror of the European colony, as well as of the native Israelites. We could neither go out at night, nor during the day carry a watch or jewels, and we were compelled to hire guards for the protection of our houses and stores. At night nothing else was heard but the firing of revolvers and guns. The local police was timid and insufficient, the Consuls having no means to organize a police of their own, and all this in the face of a well-organized body of French police, but whose hands were tied by the Consular jurisdiction.

As for lives and properties being in danger if the Consular jurisdiction was abolished we laugh at this extraordinary statement, and we answer it by simply saying that it is not so in Algeria, where there is a flourishing Maltese colony of about 20,000 souls.

Since writing our Petition we have read with undisguised satisfaction the statement made by Lord Granville in the House of Lords on the 24th July, in answer to a question put to his Lordship by Earl de la Warr, with reference to the abolition of the Consular jurisdiction.

We are indeed grateful to this latter gentleman for the interest he takes on our behalf, but we had imagined that certain well-informed friends of his, who are now in England, had undeceived him as to the sentiments of the Maltese in general with regard to the abolition of the different Consular jurisdictions, which they desire very much. We hope that the example given by Lord Granville will soon be followed by the other countries represented in Tunis, so as to be all under one law; such an event would free us from the vexations and irregularities, and, in some instances, failures of justice, through the conflict of jurisdictions which exists now.

We have also heard with gratification that a Bill has been introduced before the French Chamber of Deputies for paying off the whole of the Tunisian debt. Our bonds on the Tunisian Government are now at about 100 per cent., whereas four years ago they were 45 and 46 per cent., owing to the coupons not being always paid in full.

We make these few observations in our name as well as in that of our co-signatories to the Petition herein inclosed, whose sentiments on the subject are well known to us, but we must be clearly understood that in hailing with pleasure the establishment of French Tribunals in this country, having, as we hope, indistinct jurisdiction over all Europeans, it must not be inferred that we ever thought that our laws were bad or badly administered by the British Consular authorities, or that we were in any way unjustly dealt with, or that our interests were in the least neglected by them. On the contrary, we have every reason to be satisfied with those laws and the manner in which they have been administered, and would have continued to be so satisfied, had it not been for the increase of the different colonies. Every moment we are brought into contact with them, and it is not always that we find that our affairs are regularly attended to by the different foreign authorities. Add to this, in every affair with foreigners, before concluding it we have to study the laws of their country, so as to be on the right side in the event of a controversy, the differences in the Tariffs, the insufficiency of the local police, the want of means to organize a Consular police, and many other shortcomings which it is needless to recapitulate here.

But whilst we firmly believe that the Consular jurisdiction has no more *raison d'être*, we avail ourselves of this opportunity to testify to the indefatigable and strenuous

exertions of both you and your predecessors for the protection and safeguard of our interests. We must not forget that you have been day and night occupied with our affairs. You have fought our battles. You were always ready and at any time to receive our complaints, and to attend to and settle our affairs, no matter how inconvenient that might have been to you or to your family.

All this we fully and emphatically recognize, and we cannot find expressions strong enough to convey to you our heartfelt thanks and our everlasting gratitude for the manner you have always treated us, and for the truly paternal care you took for our interests, and for everything which in any way affected us or our families; but circumstances have changed, and we are bound to go with the times to insure our future interests and those of our children, for whom Tunis is a second country.

In forwarding the Petition to Her Majesty's Secretary for Foreign Affairs, we trust you will also send a copy of this letter.

We have, &c.
(Signed) M. PISANI.
LZO. TABONE BARTOLO.
GIO. MARIA PISANI.

Inclosure 3 in No. 86.

Mr. Reade to Messrs. M. Pisani, Bartolo, and G. Pisani.

Gentlemen,

Tunis, August 4, 1883.

I HAVE received your Petition of the 25th ultimo and the letter which accompanied it, and is dated the 2nd August, and shall not fail to forward both documents to Her Majesty's Secretary of State for Foreign Affairs.

It is far from my wish or intention to comment upon the general tenour of those communications, but I cannot help expressing my regret that so much disunion should exist in the Maltese colony in Tunis regarding a matter of such paramount importance to their interests.

Her Majesty's Government, and not I, will decide between the advocates of French action and policy and those who oppose it; and I would gladly abstain from saying anything more on the subject were it not that a passage of your letter, in which you describe the charges or allegations which form the basis of the Petition of the 19th ultimo as being of a character that cannot be substantiated, is so notoriously inaccurate and so opposed to the daily experience of this Office, that I feel I should be wanting in frankness if I allowed it to be addressed to me without some expression of dissent.

On another point, I will not conceal my disappointment. It is this—that, while I have endeavoured to ensure the claimants or holders of property in this country against serious loss by any sudden change of jurisdiction, and Her Majesty's Government is apparently exerting its influence in the same direction, your Petition and letter would, if their object were attained, have the effect of undermining these efforts, by bringing British subjects immediately and unconditionally under the civil jurisdiction of the French Tribunals.

I thank you for the very friendly as well as flattering terms in which you are pleased to refer to my past services, and regret only that the encomium should be coupled with a Petition in which it is set forth that those services can very well be dispensed with.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 4 in No. 86.

M. Leonardi to Mr. Reade.

(Translation.)

Sir,

Sfax, July 11, 1883.

I HAVE the honour to report to you that the instalment of the French "Tribunal de Paix," far from conducing to the advantage of commerce, creates instead new impediments in the course of business. This is accounted for by the following causes:—

1. The attributions of the Judge are, when considered with the exigencies of this country, too limited.

2. To this defect may be added the want of a conciliatory spirit, which, in times which have now passed, led generally to an amicable arrangement between parties, whatever the questions that were put forward.

3. Besides the above impediments or difficulties attaching to the "Tribunal de Paix" considerable expense and loss of time are suffered, without the satisfaction of seeing an end of suits which, for want of judicial authority or competency, have generally to be forwarded for settlement to Tunis.

The contrast is great between the present state of things and that under the late Consular jurisdiction, as, when brought before the latter, commercial questions were generally settled by means of conciliation in a short time and without expense.

I have, &c.
(Signed) GIUS. LEONARDI.

No. 87.

The Law Officers of the Crown to Earl Granville.—(Received August 17.)

My Lord,

Royal Courts of Justice, August 16, 1883.

WE were honoured with your Lordship's commands signified in Sir Julian Pauncefote's letter of the 25th July last, stating that he had to transmit to us, by direction of your Lordship, the papers noted in the accompanying list, which related to the case of a Maltese British subject, Giovanni Mangano, who was arrested by the French military authorities at Tunis under the circumstances detailed in Consul-General Reade's despatch No. 33 (Print, p. 1).

That it appeared that Mangano was one of a crowd of persons who had collected at the booking-office of the Italian Railway Station, and were striving for precedence in obtaining their tickets, when he came into bodily contact with a French officer, a Captain Nicolas. An altercation ensued, followed by a succession of blows from the French officer upon the head or face of the Maltese, who was seized and rendered powerless by the French military present at the time.

That in that condition, according to the testimony of eye-witnesses, he was struck by the French Captain across the head with his drawn sword, and subsequently conveyed to the military guard-house.

That Mr. Reade's demand that the prisoner should be handed over to the charge of Her Majesty's Consulate was refused, and he was informed by the French Representative that it was impossible to prevent the case going through the regular course of procedure by court-martial, whilst Baron d'Estournelles at the same time maintained that the case of Mangano did not affect the question of Consular jurisdiction or Treaty rights.

That, in reply to a representation which Lord Lyons was instructed to make on that subject to the French Government, the Minister for Foreign Affairs had replied, as we would see from the inclosure in Lord Lyons' despatch No. 441 of the 14th July, that the attack by the Maltese on a Captain attached to the French army constituted an offence committed in a foreign country against a person attached to an army occupying that country, and that consequently, according to international law, the offender is subject to the jurisdiction of the military Tribunals of that army.

That the legal justification put forward by the French Government for that assumption of military jurisdiction over Mangano was supported in an article contained in the accompanying number of the "Journal du Droit International" (Nos. 9 and 10 of 1882, p. 511).

That it appeared, however, to your Lordship that it might be urged that the French occupation of Tunis was effected on the express understanding that all the rights and privileges of foreigners would be respected, and that even if martial law should be held to override the extraterritorial jurisdiction secured to foreigners in the Regency during actual hostilities or resistance to the military occupation, the season of martial law had then ceased, and its continuance was inconsistent with the establishment of the French Protectorate, and of French Tribunals, and of civil government by the French authorities.

That, if the plea advanced in the present cases be admitted, there seemed to be no reason why military jurisdiction should not prevail in numerous cases so long as the French had troops in Tunis; and, judging from the treatment received by Mangano, the question assumed considerable importance.

That Sir Julian Pauncefote was to request that we would take the papers transmitted therewith into our consideration, and that we would favour your Lordship with

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our opinion on the validity in point of law of the grounds on which the French Government justified the action of their military authorities against Mangano, and with any general observations we might have to offer on the case.

We were also honoured with Sir Julian Pauncefote's communication of the 1st instant, transmitting a further despatch from Her Majesty's Agent and Consul-General in Tunis.

In obedience to your Lordship's commands we have the honour to report—

That we think it cannot be disputed as a general rule of international law that an attack on an army of occupation, even although directed against its individual members, falls properly within the cognizance of the military Tribunals of that army.

And we think this jurisdiction continues so long as an army is in occupation of a foreign country, even though actual hostilities have ceased. It seems to have been exercised, and the propriety of its exercise to have been recognized by jurists, whilst the German army was in occupation of certain parts of France pending the payment of the indemnity.

We think, too, as a general rule, that the right to deal with offences cognizable by the military Tribunals would apply to the case of offences committed by foreigners equally with those committed by subjects of the country occupied.

In the present case, however, the existence of the Capitulations and the undertaking by the French Government to respect them are undoubtedly important elements in the consideration of the questions submitted to us.

It is open to contention that the effect of them is to withdraw British subjects from the operation of the ordinary rules relating to the cognizance by military Tribunals of offences committed against members of the army of occupation. But the arguments against this view, which are urged with great force in the "Journal du Droit International," appear to us very cogent; and it will probably not be necessary or expedient in the present circumstances to express any definite opinion upon the point either by way of admission or denial, but to reserve for Her Majesty's Government freedom of action in relation to it hereafter.

We are not aware what is the exact position of the French authorities in Tunis at the present time, or for what purpose their army is maintained there, and whether the occupation is intended to be permanent. If, as we gather, the French have established a Protectorate over Tunis intended to be of a permanent character, and the army is stationed there in support of their authority, and civil Courts have been established and are maintained by them, we think it may well be contended that the army has ceased to be an army of occupation in a foreign country within the ordinary sense of those terms, and that charges against British subjects should, under the Capitulations, be dealt with in the British Consular Court.

But, apart from this, we think that where an army remains in occupation after peace and order are restored, at all events where such rights exist as are enjoyed under the Capitulations in Tunis, the military Tribunals can only properly claim cognizance of offences against a member of the army of occupation when the offence is an act of hostility to the member as such. The jurisdiction is claimed and exercised for the safety of the army, and individual assaults upon its individual members may endanger its safety as much as an organized attack. But we do think that on any sound principle the jurisdiction can be extended to the case of an offence against an individual member of the army which is not directed against him as such, and which cannot properly be regarded as an act of hostility to the army, but arises out of some private quarrel or dispute.

It seems to us that on these grounds the claim of the British Consul was well founded. Even if the French officer's statement be correct, the assault by Mangano was in no sense committed against that officer in consequence of his being a soldier, but resulted from circumstances which would equally have affected a private person. But, in fact, the outrage appears to have been a gross one on the part of the French officer, and seeing that Mangano was detained for some days in custody, and that the charges against him were found insufficient for instituting a prosecution, we think there is, independently of the considerations to which we have alluded above, strong ground for remonstrance and for a claim that the conduct of the French officer should be investigated.

We have, &c.
(Signed) HENRY JAMES.
FARRER HERSHELL.

Earl Granville to Mr. White.

(No. 1.)
(Telegraphic.)

Foreign Office, August 17, 1883, 4.15 P.M.

ITALIAN Ambassador has read me telegram from his Government, stating that several questions have been pending between Italy and Morocco for the last two years; that Italian Government having been unable to obtain satisfaction, their Minister at Tangier has presented a summary of their demands; but that the Moorish Government seem to imagine that they can obtain support from Sir J. D. Hay in evading their obligations. The Italian Government ask that you may be instructed to use language calculated to dispel any such illusion. His Excellency was unable to give any details as to state of affairs, but took upon himself to assure me there was no intention to precipitate matters.

I said that, with my imperfect knowledge of Italian demands, I could not promise support, but that I was sure you would not encourage Moorish Government to take any attitude which would complicate matters, and that I would communicate with you.

No. 89.

Earl Granville to Mr. White.

(No. 39. Ext. 1.)
Sir.

Foreign Office, August 17, 1883.

AT an interview which I had with the Italian Ambassador on the 16th instant, his Excellency read me a telegram which he had received from his Government, stating that various questions have been pending between Italy and Morocco for the last two years; that the Italian Government having been unable to obtain satisfaction, their Minister at Tangier had presented a summary of their demands, but that the Moorish Government seemed to imagine that they can obtain support from Sir J. Drummond Hay in evading their obligations.

The Italian Government request, therefore, that you may be instructed to use language calculated to dispel any such illusion.

M. de Nigra was unable to give any details as to the state of affairs, but took upon himself to assure me that there was no intention to precipitate matters.

I stated to his Excellency, in reply, that with my imperfect knowledge of the Italian demands I could not promise the support of Her Majesty's Government, but that I felt confident you would not encourage the Moorish Government to take any attitude which would complicate matters, and that I would communicate with you upon the subject.

I am, &c.
(Signed) GRANVILLE.

No. 90.

Mr. White to Earl Granville.—(Received August 19, 11 P.M.)

(Telegraphic.)

Tangier, August 19, 1883, 6.50 P.M.

I HAVE received your telegram of the 17th.

No encouragement has been given by me to the Minister for Foreign Affairs to resist Italian demands, nor do the Moorish Government hope to evade their obligations through British support.

The Moorish Minister for Foreign Affairs declined to accede to these demands without instructions from Sultan, as he considers that they are unjust, and that it would establish a dangerous precedent to yield except under compulsion.

I have been careful not to give any advice on the subject, nor has my advice been asked for by the Moorish Minister for Foreign Affairs. His Excellency asked my opinion as to consequences of their rejecting the demands. I replied that having proceeded so far the Italian Government could scarcely withdraw without obtaining satisfaction; but that I could not believe that they would bombard Tangier, though they might seize one of the western ports as a material guarantee for the satisfaction of their demands.

Mr. White to Earl Granville.—(Received August 20.)

(No. 75. Confidential.)

My Lord,

Tangier, August 13, 1883.

WITH reference to my despatch No. 73 of the 2nd instant, I have the honour to acquaint your Lordship that Cid Mohammed Bargash informed me confidentially to-day that the term of twenty days fixed by Signor Scovasso for the reply required from the Moorish Government to his demands having expired, Signor Scovasso addressed him on the 11th instant a further note, stating that, unless he should receive a satisfactory reply by to-day, the Moorish Government would be required to pay the expenses of the Italian squadron in Tangier Bay from this morning.

Cid Mohammed Bargash further informed me that he yesterday sent a written reply to this note of the Italian Minister, which he communicated to me in the strictest confidence.

In this letter Cid Mohammed Bargash states that there are no just grounds for the charge brought against the Moorish Government of showing a want of consideration towards Italy, and paying less attention to Italian interests than to the interests of Great Britain, France, and other Powers, for the Moorish Government had always sought to treat Italian interests with the same consideration and attention as they are accustomed to show to those of other friendly Powers.

Cid Mohammed Bargash proceeds to observe that the charge that the claims of French and British subjects had been paid, whilst those of Italian subjects are still unsettled, is equally unfounded, for the French claims that have been paid were of old standing, and had been arranged for settlement in the time of the former French Minister, M. de Vernouillet, and that when M. Ordega, the present Minister, was at the Moorish Court last year he brought them forward, together with a heavy claim for indemnity for the incursions into Algeria of the Moorish frontier tribes, and that a general settlement of both these claims was effected for about one-third of the sum that had been demanded; and that as regards British claims, they are still pending, no settlement having yet been made, and that the Italian Government can satisfy itself of this fact by inquiring of the British Government.

With reference to the complaint that the French claims had been examined whilst the French Minister was still at the Moorish Court, whereas the Sultan had referred the examination of Italian claims to a Commission at Tangier, Cid Mohammed Bargash replied that the documents on which the French claims were based were only about 2 per cent. as compared with the Italian, the French being only twenty-five in number, whereas the Italian documents numbered several hundreds, and it would have been impossible to have examined them when Signor Scovasso was at the Court, as the Sultan was then on the point of starting for his expedition into Soos; they were therefore referred to Commissioners sent to Tangier expressly to examine them in concert with the Italian Vice-Consul and Interpreter.

The Moorish Minister added that of the debtors some had died, some had become bankrupt, and some had fled, but that those who owned property and could pay would be compelled to do so.

As to the demand for the dismissal of the Governor of Rabat for having, as it is alleged, caused a store held by an Italian-protected subject to be forcibly opened, Cid Mohammed affirmed that it is not proved that he had done so, and the Governor denies all knowledge of the matter; and that even should the charge prove to be true, satisfaction could be given in some other manner than by the dismissal of a Governor who has served the Sultan and his predecessors faithfully at Rabat for thirty years, and who is nearly 70 years of age.

The charge brought against another Governor in the interior, of having compelled an Italian subject to leave the district under his jurisdiction, is also stated by Cid Mohammed Bargash to require proof, as it is denied by the Governor in question.

In conclusion, the Moorish Minister rejects the demand of Signor Scovasso that the Government of the Sultan shall pay the expenses of the Italian squadron during the time it may remain at Tangier awaiting a satisfactory settlement, for he asserts that, as the Moorish Government is disposed to do what is just and right, there is no necessity for the presence of ships of war.

The answer of Cid Mohammed Bargash was delivered at the Italian Legation last night, and the Italian dispatch-boat applied this afternoon at Her Majesty's Consulate for a bill of health for Gibraltar. The object of her dispatch to Gibraltar is probably to

consult the Vice-Admiral, who is with other ships of the squadron at Algeciras, on the opposite side of the Bay of Gibraltar, or to telegraph to Rome for further instructions.

The reply of the Sultan, who is still engaged in subduing tribes in the interior, has not yet been received by Cid Mohammed Bargash, and his Excellency informed me that, without the Sultan's orders, he will not yield to the demands of the Italian Representative, except under a formal declaration that force will be used, in which case he would think it his duty to submit.

I have, &c.
(Signed) HORACE P. WHITE.

No. 92.

Sir J. Pouncefote to Mrs. Busuttil and others.

SIR JULIAN PAUNCEFOTE is directed by Earl Granville to inform Mrs. Carmela Busuttil and the other signatories of a Petition to the Queen, dated the 19th July, 1883, respecting various cases of alleged miscarriage of justice in the Consular Courts of Tunis and Constantinople, that the circumstances therein set forth are not such as to warrant the interference of Her Majesty's Government in behalf of the petitioners.

The documents which accompanied the above-named Petition are accordingly returned herewith.

Foreign Office, August 22, 1883.

No. 93.

Mr. White to Earl Granville.—(Received August 23.)

(No. 74.)

My Lord,

Tangier, August 13, 1883.

WITH reference to Sir J. Drummond Hay's despatch No. 60 of the 10th July, I have the honour to communicate to your Lordship the inclosed extract from a letter I have received from Her Majesty's Consul at Mogador, reporting the movements of the Spanish Commissioners in Soos, and stating that it is rumoured that there had been fighting amongst the tribes in that province.

I have, &c.
(Signed) HORACE P. WHITE.

P.S.—Since writing the above I have received a further letter from Consul Payton, dated the 8th instant, reporting that a courier had arrived at Mogador bringing the news that "the Spanish Commissioners, and presumably the Moorish Commissioners also, were at Kaid Ould Glaïmy's place, which is a little way inland, and a short distance this side of Messah. Ali was quiet there; but there had been a little skirmishing during Ould Glaïmy's absence at Agadir, whence he escorted the Commissioners to his place with 150 horsemen."

H. P. W.

Inclosure in No. 93.

Consul Payton to Mr. White.

(Extract.)

Mogador, August 1, 1883.

ON the 22nd July the aviso "Ligera" arrived here from Agadir, where she had been expecting to meet the "Consuelo," and after communicating with that vessel in the bay here left for the Canaries for coals, &c.

On the 24th July "Consuelo" sailed early in the morning with the Spanish Commissioners and Consul, and some Canary Island fishermen, for Agadir. A courier from that port reported that a small sailing-ship was anchored there, believed to be the "Silbador," Canary Island postal schooner.

It was reported here that the Spanish engineer, Don Juan de Leon y Castillo, who went south in the "Consuelo," was commissioned by the Sultan to look out for a suitable place for His Shereefian Majesty to open a port; this in consequence of Spanish representations of Spain's friendliness to Morocco, and the fact that His

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Shereefian Majesty availed himself of the services of English and French officers, and it was urged that he should give Spaniards a trial.

On the 26th July it was reported that there was much fighting going on in the south, some saying that as many as eighty men had been killed near Tigneet.

Further reports are that the fighting is in the district of the Governor Ould Glaimy, near Messah, also at Howara, near Tarudant.

Yesterday I heard that the Spanish Commission (fourteen Christians) had landed at Agadir, and the Kaid of Gsheema was looking out for animals for their transport southwards. One gun-boat reported to have left, another to be cruising about.

No. 94.

Sir J. Drummond Hay to Earl Granville.—(Received August 23.)

My Lord,

44, Sturegatan, Stockholm, August 20, 1883.

HAVING read in "Galignani's Messenger" the accompanying report, I addressed your Lordship a telegram this day, stating that, should my presence at Tangier be thought desirable, in consequence of a rupture of relations between Italy and Morocco, and that disturbances are apprehended, I am ready to return at once to Tangier.

I believe the differences between the Italian Minister, M. Scovasso, and the Moorish Government have arisen in consequence of the non-payment of claims put forward by M. Scovasso on account of moneys due by Moorish subjects to Jewish subjects of the Sultan under Italian protection.

It is to be apprehended that any hostile demonstration made in behalf of Jews, on account of claims which are too frequently of a usurious character, may excite the Mahommedan population in the interior to commit aggressive acts against Jews in general.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 94.

Extract from "Galignani's Messenger" of August 17, 1883.

ITALY AND MOROCCO.—London, 15th. A telegram from Gibraltar says:—

"The Italian Minister at Tangier has pulled down his flag. Some uneasiness prevails amongst the inhabitants. The Italian iron-clad 'Barbarigo' will leave Algieras for Tangier as soon as it receives despatches from Rome."

No. 95.

General Ben Ayad to Earl Granville.—(Received August 24.)

My Lord,

4, Suffolk Street, Pall Mall, August 24, 1883.

I AM desirous, before leaving England, of thanking your Lordship, and, through your Lordship, Her Britannic Majesty's Government, for the opportunity afforded me of giving to Sir Julian Pauncefote a verbal explanation as to my reclamations against the Tunisian Government, and the complaints I have been unwillingly compelled to prefer concerning the attitude which the French Minister Resident has deemed expedient to adopt concerning me.

I return to Tunis with the firm conviction that Her Majesty's Government will exert its powerful influence to obtain a just and equitable adjustment of the claims of which I have so long and so earnestly striven to procure a settlement.

I feel it right, however, to inform your Lordship that I yesterday received a telegraphic despatch from Tunis, stating that the Minister Resident had decided to reject my demands as of too remote a date to deserve notice, and had referred me, in case I still desired redress, to the "competent Tribunals."

I fear such an answer as this is but a specimen of what British subjects may expect under the régime of what is called the "reformed administration of justice."

M. Cambon, or his acting representative, now speaks of my claim as ancient; yet for two years it has formed the subject of almost weekly correspondence between the

Tunisian Foreign Office and the British Consulate-General, and M. Cambon has, in the presence of Mr. Reade, promised me personally a speedy redress of grievances, and a satisfactory settlement of my demands. If the plea of a case being "of too long standing" can avail M. Cambon on behalf of the Beylical Government, an easy method will be found of putting a stop to all litigation in which the State is concerned.

It is a matter of notoriety that, during the past fourteen years, I have never ceased to weary Her Majesty's Agents with my protests and my complaints.

If they have as yet produced no result, it is neither their fault nor mine.

Against this plea of prescription I fearlessly invoke the testimony of Sir Richard Wood and of Mr. Reade.

M. Cambon would refer me, for a settlement of my demands against the Tunisian Government, to the "competent Tribunals." I can hardly believe such a suggestion to be serious.

I am unable to comprehend whether he refers to the Tunisian Courts, which are merely another name for the Tunisian Government, or the newly-formed French Tribunals.

The latter have not as yet jurisdiction in such a case as mine, and the operation of the first has never been invoked in a similar suit, for the simple reason that the equity of Europe has never permitted the Bey of Tunis to be a Judge in his own cause.

Nobody knows this better than M. Cambon himself.

When the French subject Philip Caillat sued the Tunisian Government on an account current, M. Roustan obtained for him a Franco-Tunisian arbitration.

When the Italian "Società Agricola" formulated a demand against the Bey of Tunis, Italy obtained an arbitral Tribunal for her subjects.

When, three years ago, the Italian, French, and English creditors of the late Hai Sabbag pressed the suit of their debtor against the Beylical Government, the Representatives of Italy, France, and England insisted on the settlement of the difference by the judgment of impartial umpires.

I only ask for that justice and that form of decision which precedent and usage has established in Tunis in wholly analogous cases.

It is to obtain this that I have recourse to your Lordship's intervention, and appeal to Her Majesty's Government from M. Cambon's dictum that my case is "too ancient," and that I must have recourse to the "competent Tribunals."

I have, &c.
(Signature of General Hamida Ben Ayad.)

No. 96.

General Ben Ayad to Mr. Currie.—(Received August 25.)

GENERAL BEN AYAD presents his compliments to Mr. Currie, and begs to inclose letters from Messrs. Reade and Ranking.

He takes this opportunity to send a copy of a Memorial which has been prepared with reference to his claims against the Tunisian Government, and to which he has little to add, but would be most happy to afford to Mr. Currie any further information which might be deemed advisable.

General Ben Ayad has an appointment with Sir Julian Pauncefote for to-morrow, at 3 P.M., at the Foreign Office, and would feel greatly obliged to Mr. Currie for any support he might afford him in his endeavour to induce Her Majesty's Government to demand that the claim should be submitted to arbitration.

4, Suffolk Street, Pall Mall, August 22, 1883.

Inclosure 1 in No. 96.

Mr. Reade to Mr. Currie.

Dear Mr. Currie,

Tunis, August 18, 1883.

GENERAL SY HAMIDA BEN AYAD, a protégé of this Office since the days of Lord Palmerston, and by his Lordship's authority, has gone to England on business connected with some long-pending claims he has against the Tunisian Government. He is a most worthy fellow, and the representative of one of the oldest and noblest families of this country; and I therefore venture to give him these lines of recommendation to you in case anything should take him to the Foreign Office. I have written

several despatches about him to Lord Granville, and although with regard to his case (as, indeed, I may say of nearly every other one it is my misfortune to report home) I am left in total ignorance as to what is going to be done, trust, nevertheless, that an application we have made for his claims to be submitted to arbitration will be insisted on. This is all the General wants, and as the Tunisian Government cannot be permitted to be Judges in their own cause, I do not see how the French can, with any show of reason, resist such a demand. I beg of you to pardon the liberty I take in recommending the General to your favourable attention, and, thanking you beforehand for any interest you may take in him, remain, &c.

(Signed) THOS. F. READE.

Inclosure 2 in No. 96.

Mr. Ranking to Mr. Currie.

My dear Currie,
20, James Street, Buckingham Gate, August 22, 1883.
GENERAL HAMIDA BEN AYAD, a British protégé residing at Tunis, is visiting this country to solicit the support of Her Majesty's Government in his demands against the Government of the Bey for the payment of a large claim which he maintains against it.

The General is well known to me as a most honourable man, and I ask the favour of your according him your valuable aid in furtherance of the object he has in view, the particulars of which he will relate in the letter accompanying this note.

Yours, &c.
(Signed) HARVEY RANKING.

No. 97.

Earl Granville to Mr. White.

(No. 40.)
Sir,

Foreign Office, August 25, 1883.

HER Majesty's Government have had under their consideration Sir J. Drummond Hay's despatches Nos. 49, 50, 52, and 63 of the 13th, 14th, and 18th June last and the 12th ultimo, and their various inclosures, referring to the subjects of taxation and irregular protection in Morocco, especially in connection with the Regulations of the 30th March last, which had been drawn up by the foreign Representatives in concert with Cid Mohammed Bargash, and which it was hoped would result in the first of these two subjects being placed on a more satisfactory footing.

It appears, however, from Sir J. Drummond Hay's despatches, that those Regulations, if not the Convention itself, of the 3rd July, 1880,* have practically become a dead letter, for whilst on the one hand there appears to be no unity of action on the part of the various Representatives in enforcing the provisions of those instruments, the Moorish Government seems equally powerless to secure their observance.

The last of Sir J. Drummond Hay's despatches above referred to relates especially to the case of M. Lapeen, the Vice-Consul at Daralbaida, and to the complaints of the Moorish authorities of the irregular protection granted by him.

I have now to observe that whilst I approve of Sir J. Drummond Hay having brought this case to my notice, yet in view of the fact that M. Lapeen has had the services of the native farmers in connection with his business as a merchant for twenty years, and that the Regulations as to protection are, as I have already said, a dead letter, as it would appear by Sir J. Drummond Hay's despatch No. 49 of the 13th June last, I am not disposed to depart in this case from the course indicated in the second paragraph of my despatch No. 11 of the 25th March last, in which I have stated that so long as the Italian or any other Government insist upon extending foreign protection beyond the limits laid down in the Madrid Convention, and are suffered to do so by the Sultan, Her Majesty's Government are not disposed to debar themselves from claiming similar benefits in all cases where the interests of British subjects may be involved.

I inclose, for convenience of reference, copies, in print, of Sir J. Drummond

* See Part IV, No. 136.

Hay's despatch above referred to, and of some earlier papers in connection with the questions to which they relate.

I am, &c.
(Signed) GRANVILLE.

No. 98.

Mr. White to Earl Granville.—(Received August 27.)

(No. 76. Confidential.)

My Lord,

Tangier, August 19, 1883.

WITH reference to my despatches No. 73 of the 2nd instant and No. 75 of the 13th instant, and to my telegrams of the 14th and 19th instant, I have the honour to acquaint your Lordship that I have been informed confidentially by Cid Mohammed Bargash that the Italian Minister had replied to his letter, the substance of which I communicated to your Lordship in my despatch No. 75 of the 13th instant. The reply was brief and of an offensive character, accusing Cid Mohammed Bargash and the Moorish Government of habitually trying to defend themselves by a denial of facts, and warning him that such a system of defence will be of no avail.*

Although a week has now elapsed since Signor Scovasso received the reply of the Moorish Minister to his demands, and although he has recently received a telegram from his Government, he has addressed no further note to Cid Mohammed Bargash. I am therefore led to infer that the Italian Government are not disposed to precipitate matters.

Cid Mohammed Bargash informed me to-day that he had received no communication from the Sultan as yet on the subject of the Italian demands, but that he had received a letter from the Governor of Rabat, stating that, by orders of His Majesty, he was about to proceed to Tangier to offer explanations to the Italian Minister regarding the charges brought against him.

Cid Mohammed Bargash mentioned to me that it had occurred to him that a solution of the existing difficulties might possibly be facilitated by his proposing to refer their differences to the arbitration of some friendly Power, whose award Morocco would agree to abide by; and he asked my opinion on this subject.

I replied that I saw no objection to this proposal, as it would testify to a disposition on the part of the Moorish Government to do what is right; and I suggested Germany as the Power most likely to be acceptable to Italy.

I took this opportunity to mention to Cid Mohammed Bargash that Signor Scovasso had conveyed to his Government the impression that the Moorish Government was counting upon the support of the British Representative at Tangier in trying to evade its obligations. Cid Mohammed Bargash remarked that he was not surprised to learn this, as he had himself observed from Signor Scovasso's language that he entertained such suspicions; "but, as you are aware," he added, "in my action in this matter I have been guided solely by my own judgment, without counting upon support from Great Britain or any other Power."

Notwithstanding assurances to the contrary repeatedly given by Cid Mohammed Bargash, Sir J. D. Hay, and myself, Signor Scovasso persists in believing that, by some private understanding or arrangement between the Moorish Government and the British Legation, the claims of British subjects have been settled and kept secret from himself; hence his suspicion that British influence is at work in opposition to his demands.

I have, &c.
(Signed) HORACE P. WHITE.

No. 99.

Sir H. Rumbold to Earl Granville.—(Received August 27.)

(No. 85. Confidential.)

My Lord,

Stockholm, August 23, 1883.

I UNDERSTAND from Sir John Drummond Hay, who is on a visit here to his son, that he has both telegraphed and written to your Lordship respecting the strong pressure

* This can refer only to the declaration of Cid Mohammed Bargash that the British claims have not been settled.—H. P. W.

which has been brought to bear by the Italian Representative at Tangier for the settlement of the claims of the Italian-protected subjects, mostly Jews, in Morocco.

It so happens that the Italian Minister here had spoken to me on the same subject a few days before. The Marquis Spinola expressed himself as somewhat anxious at the report he had seen in the local papers that the Italian flag had been hauled down at Tangier and a bombardment threatened at that place. He asked me whether the English papers confirmed this intelligence; and he then went on to say that he feared the personal disposition and antecedents of the Italian Agent at Tangier were such as to make an intemperate course of action on his part by no means improbable. He described M. Scovasso as a *brouillon* who had received his training in the Consular Service, perhaps not the best of schools for a diplomatist. M. Scovasso, according to him, was afflicted with what a witty Belgian colleague of mine used to call "*la tache Consulaire*," a tincture which the said colleague considered perfectly indelible.

The Marquis Spinola afterwards had some talk with Sir John Drummond Hay himself, and expressed himself still more freely respecting M. Scovasso. On my comparing notes with Sir John, it appeared to both of us that it would be as well that I should, on my side, report to your Lordship what I had heard from so independent a source of the character of the Italian Minister at Tangier. This must be my apology for venturing to trouble your Lordship with a matter which lies so entirely out of my province.

I have, &c.
(Signed) HORACE RUMBOLD.

No. 100.

Mr. Reade to Earl Granville.—(Received August 28.)

(No. 43.)

My Lord,

Tunis, August 21, 1883.

WITH reference to my despatch No. 41 of the 7th instant, inclosing the original of a Petition and copy of a supplementary letter received from a section of the Maltese community which favours the scheme of abrogating the Capitulations, I must beg your Lordship's permission to submit the supplementary letter in original.

In connection also with the subject of my former despatch, a circumstance has come to my knowledge within the last forty-eight hours which, although possibly a matter of trifling importance, I feel it is my duty to bring under the notice of your Lordship.

A lottery having been set on foot by the Cardinal Lavig rie, for the alleged purpose of raising 1,000,000 fr. in support of charitable establishments in this country, Mr. Pisani's name figures on the tickets, which are being circulated all over Europe, as member of the Directing Committee and "*Vice-Consul d'Angleterre*."

I know not, my Lord, how far such participation in an institution opposed to English law may be permitted in foreign countries, but it has occurred to me that, by allowing the matter to pass without any notice whatever on my part, a responsibility might be entailed which a timely report to your Lordship's Office would have obviated.

A ticket of the lottery in question is herewith respectfully inclosed.

I have, &c.
(Signed) THOS. F. READE.

Inclsoure 1 in No. 100.

Messrs. M. Pisani, Bartolo, and G. Pisani to Mr. Reade, August 2, 1883.

[See Inclosure 2 in No. 86.]

Inclosure 2 in No. 100.

Lottery Ticket.

No. 101.

Mr. Fraser to Earl Granville.—(Received August 28.)

(No. 207.)

My Lord,

Rome, August 24, 1883.

IN accordance with the instructions conveyed to me in your Lordship's despatch No. 188 of the 10th instant, which I had the honour to receive by messenger on the 20th, I have spoken unofficially to M. Malvano upon the subject of the Italian claims on Morocco, and the visit of their Mediterranean squadron to Tangier.

M. Malvano told me that a part only of the Italian squadron had gone to Tangier, the rest remaining at Carthage; that M. Scovasso had availed himself of their presence to procure the settlement of outstanding grievances, which it was hoped were now in a fair way of arrangement, the Moorish authorities appearing to be favourably disposed; and that Count Nigra had already spoken with your Lordship upon the matter.

I gathered from M. Malvano's language that this Government wishes rather to disavow any intention of actual hostilities, and that the danger, if it ever existed, is now practically removed.

I have, &c.
(Signed) HUGH FRASER.

No. 102.

Mr. Broadley to Earl Granville.—(Received August 28.)

My Lord,

18, Ebury Street, London, August 24, 1883.

I AM instructed by Mr. M. de J. Levy to lay before your Lordship a short account of further proceedings which the French military authorities at Tunis have thought expedient to have resort to in relation to his claim for compensation on account of his compulsory dispossession of property at Gabes since the month of July 1881.

The facts of this forcible expropriation are briefly recapitulated in a protest which Mr. Levy's representative at Tunis presented to Her Majesty's Consul-General on the 1st June, 1883. It results from this document that during the time which had elapsed since the dispossession of Mr. Levy in 1881 the French authorities have repeatedly endeavoured to induce Mr. Levy to accept a sum in compensation far below the current value of his property. Mr. Levy, on his side, used every effort to come to terms with the occupants of his land, and notwithstanding the heavy indirect loss inflicted on him by the deprivation of his estate, uniformly expressed a willingness to have the value fixed by equitable arbitration. These negotiations having come to an end by Mr. Levy's protest of the 1st June, 1881, in which he demanded either the payment of the fair value of the premises occupied or its evacuation, the French authorities next made a formal demand for Mr. Levy to produce the title-deeds of his property. To this he very properly answered that as soon as the sale price of the property was agreed on he was bound to make good his title to sell, and declined till then to produce his title-deeds, which it may be observed had never been questioned during the negotiations which preceded the protest of the 1st June. This pretext having failed, he was served on the 7th August with a written protest or declaration on behalf of the French military authorities, of which I beg to inclose a copy.

In this document the following conclusions are seriously advanced and adopted as regards Mr. Levy's claim, viz., that his demand for compensation is to be considered null and void as he has failed to produce his title-deeds; that he must now produce his title-deeds immediately; and that if the examination of his title-deeds is satisfactory he must be expropriated according to the local law, to which, in accordance with the Treaty, he is subject in the matter of real property.

Fortunately for Mr. Levy the clear and unmistakable provisions of the Treaty between Great Britain and Tunis protect him from the application of so extraordinary a procedure. Articles XI and XII of that Treaty are as follows:—

"Article XI. No British subject shall be forced to dispose of his immovable property except for objects of public utility; but in all cases of expropriation, Articles 9 and 12 of the Municipal Law of Tunis shall be the rule for effecting the compulsory expropriation for any public purpose in a lawful manner, and for fixing the amount of the indemnity to be paid, and such indemnity shall be paid in full and to the satisfaction of the proprietor before the act of expropriation can be carried out."

"Article XII. As a further protection, however, to proprietors, the Decree declaring the public object for which the expropriation has been rendered necessary shall emanate from His Highness the Bey; the Consul-General, or, in his absence, his deputy, shall have due information thereof, so that he may have it in his power to watch over the execution of the provisions of Article 11 of the Municipal Law heretofore established and agreed upon with reference to the mode of ascertaining and fixing the amount of the indemnity."

It clearly results from the provisions of the Treaty which I have quoted that the proceedings named therein are applicable only to cases of expropriation for objects of public utility, and must be invariably resorted to before the expropriation itself is carried out.

In his protest of the 1st June, 1883, Mr. Levy made a very moderate and just demand of the French authorities. He trusts the affidavits he now incloses will convince your Lordship that the price he asks for his land is far less than its marketable value at the present moment. All he seeks to obtain is this: either that the French authorities evacuate his land and compensate him for his occupancy, or that he receives for it a just and equitable price. He is anxious and willing to obtain a settlement of the question by the arbitration of any competent persons both parties may agree upon or the French and English Governments may nominate. To obtain this fair and honourable solution of the difficulty, he confidently asks the aid and support of Her Majesty's Government.

I have, &c.
(Signed) A. M. BROADLEY.

Inclosure 1 in No. 102.

M. Brulat to Baron d'Estournelles.

M. le Chargé d'Affaires,

A LA requête de M. le Ministre de la Guerre, demeurant à Paris, pour suites et diligences de M. le Lieutenant-Colonel Grippo, Directeur du Génie en Tunisie, demeurant à Tunis,

Elisant domicile en mon étude, et pour lequel je me constitue, et j'occuperai sur le présentes et les suites,

J'ai l'honneur de vous prier de vouloir bien transmettre à M. l'Agent et Consul-Général de Sa Majesté Britannique à Tunis, pour être signifié au Sieur J. Levy, de Londres, et par lui au Sieur M. P. Levy, son fondé de pouvoirs à Tunis—

Que jusqu'à présent le Commandement avait traité à l'amiable la question d'un magasin et d'une parcelle de terrain sis à Gabès, qui est occupé pour les services de l'armée, et dont le Sieur J. Levy se prétend propriétaire;

Qu'en traitant à l'amiable le Commandement avait voulu témoigner une fois de plus de l'esprit de conciliation qui préside à tous ses actes depuis l'occupation.

Mais que, devant les prétentions exagérées du Sieur Levy, devant la déclaration expresse par lui formulée dans sa dernière lettre du 25 Juin dernier, "qu'il ne se considérerait lié par ses propositions qu'autant qu'il y aurait été donné satisfaction le 1^{er} Juillet, et qu'il demandait que sa propriété soit enfin évacuée, et qu'elle lui soit restituée dans l'état strictement semblable à celui où elle était lorsqu'on y était entré.

"Qu'une somme de 20,000 fr. lui soit payée pour le loyer de deux années du magasin et du terrain, déclarant que dans le cas où son offre ne serait pas acceptée il réclamerait un loyer beaucoup plus élevé."

Le Commandement est fondé à reprendre également les propositions amiables qu'il avait faites, et à déclarer comme il le déclare par les présentes au dit Sieur Levy:

1. Que sa réclamation sera considérée nulle et non avenue tant qu'il n'aura pas justifié, par la production de titres réguliers, la propriété du magasin et du terrain dont il s'agit;

2. Qu'en conséquence, mon requérant le met par les présentes en demeure de produire et de lui communiquer les dits titres de propriété;

3. Que ces titres une fois produits, examinés, et soigneusement vérifiés, mon dit requérant entend que l'indemnité qui pourrait être due au Sieur J. Levy, à raison de l'occupation des dits magasin et terrain pour les services de l'armée, soit réglée conformément aux lois du pays, et ce en vertu des stipulations du Traité du 19 Décembre, 1863, avec l'Angleterre, lequel dispose:—

"Que les sujets Britanniques qui posséderont des immeubles seront tenus de se soumettre aux lois du pays pour tout ce qui concerne leurs propriétés.

"Que tous les individus possédant des maisons, des magasins, et autres immeubles seront tenus de se conformer à tous les règlements municipaux établis ou à établir.

"Et que toutes contestations relatives aux immeubles seront portées devant les Tribunaux appelés à juger ces sortes d'affaires."

Sous toutes les plus expresses réserves que de droit, j'ai l'honneur, &c.

(Signé) A. BRULAT.

Inclosure 2 in No. 102.

Affidavit of M. Vittorio Darmon.

(Translation.)

Her Britannic Majesty's Agency and Consulate-General.

I, THE undersigned Vittorio Darmon, Italian subject, declare and affirm, on my oath in honour of truth, that M. Tarburieche, French subject, had hired from Messrs. Hai Hadad and Son a piece of land at Gabes, called "Perto," near the French military camp, measuring 100 square metres, that is, 10 metres of frontage and 10 metres of depth, for the annual rent of 150 fr.

I also declare that I have hired at Gabes a piece of land near the above-mentioned, of the size of 220 square metres, that is, 22 metres of depth and 10 metres of frontage, for the annual rent of 200 fr.

(Signed) VITTO. DARMON.

Sworn at Tunis this 7th day of August, 1883.

Before me,
(Signed) THOS. F. READE, Agent and Consul-General.

Inclosure 3 in No. 102.

Affidavit of M. Giacomo Amato.

(Translation.)

Royal Italian Consulate at Tunis.

IN the year 1883, on the 4th June, in the Royal Italian Consulate at Tunis, before us, Dr. Vincenzo della Chiesa, Royal Consular Judge, assisted by the undersigned, Edward Nurry, Consular Clerk, ff. di Cancelliere:

Appeared M. Giacomo Amato, who, bound by the oath taken in accordance with Article 97 of the Consular Law, declared that he had rented at Gabes (Tunis), from Mr. Hai Hadad, a piece of land situated in the locality of Dar El Bey, by the sea-shore, measuring 32 metres in length by 10½ metres in breadth, for an annual rent of 200 fr., in advance, upon which he has built two buildings, the one serving as a canteen, the other as a grocery store.

On which account the present *verbale* is given, signed by said M. Amato and ourselves.

(Signed) GIACOMO AMATO.
DELLA CHIESA.
E. NURRY.

A true copy of the original:

Il Ro. applicato ff. di Cancelliere,

(Signed) R. DECIANI.

Tunis, June 5, 1883.

No. 103.

Signor Catalani to Earl Granville.—(Received August 30.)

(Privée et Confidentielle.)

Milord,

35, Queen's Gate, Londres, le 29 Août, 1883.

UN différend s'est élevé entre le Gouvernement Italien et le Gouvernement du Maroc relativement: (1) à des abus d'autorité de la part des Gouverneurs de Rébet et de Zenet; (2) au règlement de plusieurs créances et réclamations pour vols commis au détriment de sujets et de protégés Italiens.

Une solution satisfaisante ayant été convenue pour ce qui concerne les susdits Gouverneurs, il ne reste depuis huit jours qu'à régler la question des créances et des vols.

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Le Ministre des Affaires Étrangères du Maroc, malgré les sollicitations pressantes du Ministre d'Italie à Tanger, ne fait aucune réponse.

Dans cet état de choses, M. Mancini a chargé par télégraphe le Comte Nigra d'avoir recours à la bienveillante entremise de votre Excellence, en la priant de vouloir bien donner instructions au Représentant Britannique à Tanger d'engager aussitôt que possible le Gouvernement du Maroc à ne pas retarder à résoudre équitablement cette question.

M. Mancini ajoute ce qui suit dans son télégramme :—

"La demande du Gouvernement Italien est d'être traité à cet égard comme les Anglais et les Français l'ont été.

"La situation en se prolongeant pourrait devenir dangereuse, car tous ces atermoiements et une différence de traitement envers l'Italie aurait l'apparence d'une provocation.

"Je télégraphie de mon côté au Ministre d'Italie à Tanger d'être aussi conciliant que notre dignité le permet ; mais il est urgent d'en finir."

En l'absence du Comte Nigra, j'ai l'honneur d'adresser à votre Excellence mes prières les plus empressées de vouloir bien prendre en considération le désir de M. Mancini, et de télégraphier aussitôt que possible au Représentant Britannique à Tanger.

J'ai l'honneur en même temps d'envoyer très confidentiellement ci-joint à votre Excellence le résumé d'une dépêche du Ministre d'Italie à Tanger, contenant un exposé du différend entre l'Italie et le Maroc.

Veuillez, &c.
(Signé) T. CATALANI.

Inclosure 1 in No. 103.

Convention for the Adjustment of Debts and Thefts.

(Translation.)

WE have received the notes of the documents relative to the questions between your subjects and those under your protection against the subjects of His Shereefian Majesty, and we have brought the same to the knowledge of our Master, protected by God.

His Majesty the Sultan has decided to command the Cadi of Fez to select a feku [?], an honourable and respectable person, and two notaries of credit and reputation, who shall be sent to Tangier to proceed to the examination of the documents specified in the undermentioned lists, as well as of those of which lists have not been presented.

In this Commission shall also take part the Representative Sid Mohammed Bargash, your Representative, the First Interpreter of the Royal Legation, and a merchant upon whom reliance may be placed, and whose appointment shall be subject to your choice.

The documents are to be divided into three categories:—

1. Regular documents.
2. Approximately regular documents.
3. Valueless documents.

As soon as the Commission shall have terminated the examination of the documents, the Representative Sid Mohammed Bargash shall acquaint His Shereefian Majesty thereof.

For regular documents and those which are nearly regular our Divinely-protected Master will give peremptory orders to the Governors of the respective debtors mentioned in the documents, so as to oblige the debtors to pay their debts. For the debtors who shall pay their debts the object is attained. In the case of debtors who refuse to pay their debts the Government will give all its support to the Governors under whose authority they are to proceed to the sale of their substance, and to pay their debts with the produce of such sale. In case the produce of the sale should prove insufficient to discharge the debt, the debtor shall be imprisoned until the debt is completely paid off. The plea of non-possession shall not be admitted for the debtors unless it be proved true ; and in the case of those not recognized as true the person bringing it forward shall be imprisoned unless its truth is demonstrated.

If debtors dispose of their property by sale pending the adjustment of the questions, such transaction shall not be recognized.

A term shall be fixed by the Governors for the final settlement of these questions with the debtors, the collection of the money, and the arrest of the non-possessors. This term shall be the space of a year, and shall commence to be reckoned from the day on

which His Shereefian Majesty shall have replied to the letter in which he shall have been informed that the Commission has completed the examination of the above-mentioned documents.

With respect to documents which are wholly irregular, these shall be null and void.

With regard to thefts, if these are proven, the person who has been robbed shall be recouped by the thieves, if the latter are known ; and if the thieves are unknown, as, for example, in the case of nocturnal robbery, &c., the person who has been robbed shall be paid by the inhabitants of the place in which the theft was committed.

In the case of thefts almost proven, but where the person robbed cannot present a principle of proof, he shall take oath, and then he shall be reimbursed to the amount stolen.

Thefts not proven shall not be taken into consideration.

His Majesty our Divinely-protected Sultan desires that no one shall be injured in his interests, especially the merchants of your great nation, considered by His Shereefian Majesty as one of the Powers most friendly to him.

His Divinely-protected Majesty desires at the same time that you should depart from him satisfied, since His Shereefian Majesty is convinced of your friendship and of your zeal and earnest desire for the welfare of his happy Empire, for which you have our heart-felt thanks.

(Signed) MOHAMED BEN-EL-ARBI BEN MOKSAR,
Grand Vizier.

11 Rejeb, 1299 (May 29, 1882).

Inclosure 2 in No. 103.

Résumé of Despatch from M. Scovasso.

THE Italian-Moroccan Commission for the revision of bonds of Italian subjects, or those under Italian protection, under the presidency of the Minister Sid Mohammed Bargash, was composed of the following gentlemen: the Advocate Riccardo Motta, Gianatelli-Gentile Agesilao, Hortus Gian Francesco, and of three Notables or "Tulba" of Fez.

The documents laid before the Commission amounted in all to 1,410.

Of these, 52 form a separate category, which will be noticed later.

Of the remaining 1,358, the Commission recognized as regular, 984 ; affected by the personal responsibility clause, 114 ; rejected, 260 ; total, 1,358.

The 984 admitted amounted in all to the sum of 57,879 douros 4 reals.

The 114 documents affected by the personal responsibility clause relate to sums which amount to 12,839 douros 1 real.

It is, however, to be noticed that among the above-mentioned documents some exist which have no definite value in money, but rather in cattle, animals, and goods, and others which are deeds of association between Italian subjects, or persons protected by Italy, and the native inhabitants. The number of these, however, is not large, and would not add much to the sums above specified.

Coming now to the 52 documents above referred to, it is to be observed that 35 of these belong to the house of Carlo Morteo, and in respect of these the Sultan is asked to have them revised in Mazagan itself, since these documents consist almost exclusively in deeds of association for cattle-breeding, without any apportionment of expenses or profits, and of papers respecting thefts of cattle, furnished with "bine" and attestations.

Sixteen other documents are substantiations of various thefts. Respecting these the Minister Bargash has reserved his answer to a later date.

The last document, the only one drawn up in Hebrew, relates to a debt upon the property left by the Jew Anizar, who was killed by some Moors belonging to the interior. The Minister Bargash appears to recognize the justice of this claim.

Statement of the Questions at issue between the Royal Italian Legation and the Shereefian Government, respecting Thefts, Malversations, &c.

Questions.

1. DEBTS owed to Italian subjects or persons under Italian protection, and claims made by the same for compensation for thefts, some of which date from 1876.

Claims of the house of Moses Isaac Nahon.

2. About a year and a half ago three robberies of washed wool were committed against this firm. The documents in support of this claim were forwarded to the Minister Mohammed Bargash before the departure of the mission for Morocco. One document only still remains in possession of Messrs. Nahon.

The Royal Legation discussed this question with the Khalif Serbut of Larache, who promised that Messrs. Nahon should be compensated for this theft before the Mission had reached Morocco; these promises, however, were not kept. This question became the subject of negotiations with the Sultan himself, who sent a Shereefian letter to the Cadi of Larache. The letter was delivered to the Cadi in the month of April last by the Royal Consular Agent in Larache. It seems, however, to have been merely a simple recommendation of Italian interests in general, a recommendation which, however, the Cadi has not as yet followed.

3. About a year and a half ago, on the road to Rabat-Tangeri, six oxen were stolen, four of which belonged to the house of Benasayag and two to the above-mentioned house of Nahon. The documents substantiating this theft were forwarded to the Minister Bargash. This matter has been several times the subject of communications, which have as yet led to no favourable result.

4. The above-mentioned firm presented two claims against the Cadi Suisi di Rabat, one for the imprisonment by this Cadi, without previous notice to the Royal Consular Agent in that residence, of his agent Ahmed Ben Zuid, after having taken away the oxen which he had bought for produce of the interior on the account of the said firm; the other for breaking open a small shop belonging to the Mosque, and leased to the firm of Nahon, and seizing its contents. The Cadi Suisi has constantly refused just compensation for this as well as for the first claim.

The Minister Bargash made some

Demands of the Royal Minister.

1. IT is demanded that these debts and the compensations for thefts be paid in the same way as similar debts and claims were paid to the subjects of France or persons protected by France, or the subjects of or persons under the protection of other nations.

2. It is demanded that this matter should be settled at once by a payment of 664 scudi. If compensations for thefts committed more recently against the subjects of or persons under the protection of other nations have been paid, why have not the subjects of or persons under the protection of Italy been paid?

3. A payment of 240 colonnati is demanded, being in the proportion of 40 colonnati for each ox, the price paid for the cattle stolen from Signor Benchimol Haim, under French protection, among which cattle were included not only oxen but cows and calves, each being reckoned at a value of 200 fr. each, as if they had been all oxen.

4. A payment of 388 scudi is demanded, being the sum intrusted to their agent by Messrs. Nahon for the purchase of the oxen arbitrarily sequestered by the Governor Suisi, and 12 scudi for expenses incurred.

In the second case is demanded the restitution of the shop and the reimbursement of 36½ scudi, the value of the objects which it contained.

Questions.

attempts to settle these claims which date more than a year back, but without result.

The Royal Legation presented a complaint against the Cadi Suisi to his Shereefian Majesty for the above conduct in a note of the 24th April last, but has as yet obtained no favourable result.

5. The firm of Nahon further claims the return of 192 scudi paid as customs duty at Mogador for the cargo of wood of the "Novo Recreo," which was lost in the waters of Mogador. This cargo was destined for Agadir.

This question has remained in its present state for four months. It was the subject of oral discussion with the Minister Bargash, who upholds the principle that customs duty once paid is never under any circumstances to be paid back. The parties who have paid, however, maintain that the duty paid in Mogador is to be considered as a deposit, or rather as a simple advance, as the Sultan had not appointed any Administrator in Agadir.

The last reply of the Minister Bargash was that he must consult competent persons and study the question before he could give a definitive answer in a case which would create precedents.

6. Messrs. Nahon further claim, against the Cadi of Beni Hasen, Mohammed Ben Ayesci, for having arrested without any previous notice their agent, Mohamed Mesekik, while at the depôt (?) ("socco") Had Uled Gellul, with the purpose of making purchases of wool. The arrest was made on the 6th May, 1883. The said Moor was wounded, and the money intrusted to him for purchasing wools seems to have been lost or stolen. A complaint on this affair was immediately presented to the Minister Bargash, who dispatched a messenger the same day with a letter to the above-named Cadi, with what result, however, is as yet unknown to this Royal Legation.

This violent proceeding of the said Cadi is proved by a declaration of persons entirely worthy of credence, which has been received by this Royal Legation.

Claim of Isaac di Salomone Nahon, under Italian protection.

7. The above-named merchant presents a claim against the Governor Ben Remusc for having ordered the arrest of his shepherd Rezzuc El Dellah, who, being thus induced to flee, abandoned eighty oxen belonging to Signor Nahon.

Rezzuc, on his return from Larache with a letter from the Royal Consular Agent there for the above-mentioned Governor,

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Demands of the Royal Minister.

5. The payment of 192 scudi is demanded since the Minister Bargash should by this time have studied the question, and convinced himself that Messrs. Nahon are equitably entitled to reimbursement of the sum deposited, or to its deduction from import or export duties which the above-mentioned firm may have to pay the Custom-house at Mogador for other goods.

6. Payment is accordingly demanded of 900 scudi stolen in the tent during the violent arrest of the agent Mohamed Mesekik, upon condition, however, of a solemn oath to be taken in the Jewish Sefer, and in the Mussulman Mosque; and further, the payment of compensation for any loss and injury caused to the firm of Nahon; the Governor Mohammed Ben Ayesci being to blame in all this, since, had he acted conformably with the stipulations in force he would not have arrested the Moor without previously notifying the Royal Consular Agent of the district, so that the person, who is under Italian protection, would have been enabled to secure his interests from loss.

7. Payment of 960 scudi is demanded from the Cadi Ben Remusc on the grounds stated in the opposite column.

Questions.

found ten oxen were missing, and fourteen dead.

The Governor Ben Remuse always denied having ordered the arrest of the above-named individual, but, from five documents in possession of the said Royal functionary, it clearly appears that the Governor Ben Remuse commanded a Sheikh to arrest Rezzuc, and this without any previous notification to the Italian Consular authority.

This question, which arose about four months ago, has been the subject of very frequent communications with the Minister Bargash, who had a long correspondence with the Governor upon the subject. The Governor persisted in his denial, and put forward other documents in refutation of those on which Signor Nahon grounds his complaint, and Signor Bargash has taken no further steps towards the settlement of this matter.

Claim of Josué Toledano, under Italian protection.

8. The above-named merchant has presented to this Royal Office a claim against the Cabila of Beni Msuar, stating that his agent Harrar was on a market day beaten and bound by the soldiers of the said Cabila's Sheikh, who took him into a wood and robbed him of the money he had upon him, that is, 80 douros, the property of Signor Josué Toledano, as proved by a document in his possession. The matter was discussed several times with the Governor of Tangier, but as the latter evidently showed no promptness to settle the question the matter was brought before the Minister Bargash, who interrogated Harrar himself upon the subject, but without any result having as yet been obtained.

This question dates to four months back.

Claim of Nicolò Garassino, Italian subject.

9. The Royal Consular Agency in Casablanca about two months ago submitted to this Legation a complaint against the Cadi of Zenet, Busciaib Ben-el-Arbi, for having caused threats and insults to be offered to the Royal subject Nicolò Garassino, who was at a place within his district, attending to his interests, and for having obliged him to strike his tent and depart immediately by threatening to cut the tent into pieces with his sword, which he had drawn, if he remained.

The said Cadi of Zenet sent his taleb and several of his relatives to Casablanca to settle this question. Garassino, however, would not accept the proposals of the Cadi.

Demands of the Royal Minister.

8. Restitution of the 80 colonnati stolen from Harrar is demanded, on condition of his taking a solemn oath that they were really stolen from him.

9. It is demanded that the Cadi of Zenet shall be obliged by the Shereefian Government to come in person to this Royal Legation and apologize for the insult inflicted on the Royal subject Garassino, and to compensate Signor Garassino for the loss caused him by the violence which was offered him.

Questions.

The documents respecting this question were communicated to the Minister Bargash, and are now deposited at this Royal Legation.

10. The same Royal Consular Agency of Casablanca brought a complaint two months ago against this same Governor of Zenet because he had ordered to be trampled down and devastated four fields of barley and grain belonging to Agi Bu Azza Uld Messik, under the protection of Italy. The document substantiating this act of the Governor is in the possession of this Royal Office.

Complaint was made orally to the Minister Bargash against the Cadi of Zenet. He answered that as to the four fields which he had caused to be devastated, it was just that the owner should be compensated for the loss suffered, but that the complaint made by Signor Nicolò Garassino against the above-named Governor does not seem to him sufficient reason for demanding the dismissal of the Cadi, since that is not within the sphere of his competence, but in the power of the Sultan alone. The matter has remained at this point up to the present time.

Claim of Mohammed Ducaly, Italian subject.

11. The Royal Consular Agency of Rabat laid before this Legation about two months ago a complaint against the Cadi Suisi, because, when Mohammed Ducaly had been robbed of two mules the said Cadi took no measures to secure the discovery of the thieves and the compensation of Ducaly for the robbery.

12. The same Royal Consular Agency of Rabat forwarded a complaint to this Royal Legation about a month ago against the Cadi Suisi for having ordered the arrest of a gardener in the service of the Italian subject Mohammed Ducaly, without previously notifying the Italian Consular authority, and having sent a soldier into Ducaly's garden to arrest there the said gardener.

Demands of the Royal Minister.

10. The Shereefian Government is asked to appoint a Commission, two members to be nominated by the Pasha and two others by the Consular Agency of Casablanca. The Commission to inspect the scene of the outrage ordered by the Governor of Zenet, and estimate the damage caused by the destruction of the crops in the four fields belonging to Uld Messik, the amount of such damage to be immediately compensated by the Governor who was guilty of causing it.

11. It is demanded that the Shereefian Government should oblige the Governor Suisi to pay the value of the mules stolen, since no endeavour was made to arrest the thieves.

12. This constitutes the second violation of domicile committed by the Governor Suisi, and for this, as well as for other abuses of authority committed by him to the prejudice of Italian commerce, his dismissal or translation to another province is demanded, the Shereefian Government being held responsible for what may happen in case it refuses this satisfaction to the Italian Government, since the said Governor seems for some time to have directed his arbitrary acts against the interests of the subjects of or persons under the protection of Italy in the district.

No. 104.

Mr. Currie to General Hamida Ben Ayad.

Sir,

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 17th instant, forwarding two despatches from Her Majesty's Agent and Consul-General in Tunis, and explaining the object of your present visit to London, and the nature of

Foreign Office, August 31, 1883.

the assistance which you solicit at the hands of Her Majesty's Government in your claims against that of Tunis.

I am, &c.
(Signed) P. CURRIE.

No. 105.

Earl Granville to Sir J. Drummond Hay.

(Telegraphic.)

Foreign Office, September 1, 1883, 3.33 P.M.

ITALIAN Government are desirous that we should instruct our Representative in Morocco to press for a settlement of their claims against that Government.

Do you see any objection to Mr. White advising the Moorish Government to give an assurance that the Italian claims will be treated on the same footing as French and English claims?

No. 106.

Consul White to Earl Granville.—(Received September 3.)

(No. 78.)

My Lord,

Tangier, August 27, 1883.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 38 of the 16th instant, transmitting copy of a letter from the agents of the Soos and North African Company, reporting that certain goods landed and stored by them at Erksheesh, in Moorish territory, had, on or about the 27th June last, been plundered by sundry tribes, and everything carried off, and further stating that this had been done by order of the Emperor of Morocco, the Sultan's troops being within a quarter of a mile from the spot; and that the Commanding Officer had thrown all their employés into prison, and had severely beaten them.

Your Lordship directs me to furnish you with a Report on this matter, and especially as to the correctness of the assertions in regard to the complicity of the Sultan in the alleged plunder of the Company's property, and the treatment of their servants.

I have received no information from Mogador on this subject except that contained in the extracts from Consul Payton's letters, transmitted to your Lordship in Sir J. D. Hay's despatch No. 62 of the 12th ultimo, and in my despatch No. 71 of the 27th ultimo; but I received yesterday a communication from Cid Mohammed Bargash, a translation of which I have the honour to inclose, informing me that the effects left by Mr. Curtis at Erksheesh had been taken possession of by the Kaid, or local Governor, by order of the Sultan, an inventory, copy of which is herewith inclosed, having been duly made; and that two Moorish subjects employed by Mr. Curtis in his illegal traffic had been arrested and sent to prison at Morocco. Cid Mohammed Bargash proceeds to refer to his protest, warning the public that any one trading on the Soos coast would be treated as a smuggler, and that his merchandize would be confiscated.

The protest to which Cid Mohammed Bargash refers was, by direction of Sir J. D. Hay, communicated at the time by Her Majesty's Consul at Mogador to British subjects at that port,* especially to those connected with the Soos and North African Company, and they were warned that Her Majesty's Minister would not entertain claims that might thereafter be put forward for losses sustained on the coast south of Mogador and north of Wad Drâa, by wilful infraction of the fiscal laws of Morocco.

The Soos and North African Company were also warned by your Lordship on the 12th December, 1881, "that they must not expect protection from Her Majesty's Government in the event of any measure being taken by the Sultan to prevent illegal trading along the coast under agreements with native Chiefs, who have no authority to enter into them."

In a letter addressed by Cid Mohammed Bargash to Sir J. D. Hay on the 21st January, 1882, a translation of which was transmitted to your Lordship in Sir J. D. Hay's despatch No. 4, Commercial, of the 28th January, 1882, and which, at Cid Mohammed Bargash's request, was communicated to the public through the "Times" newspaper, by your Lordship's direction, his Excellency stated that the whole coast of Soos is acknowledged

* See Sir J. Drummond Hay's despatch No. 11, Slave Trade, of November 28, 1881.

by the British and other foreign Governments to be within the dominions of the Sultan, and that no Sheikhs or other persons had been authorized by His Majesty to enter into agreements with foreign Governments or subjects. His Excellency further announced that all persons landing on that coast for the purposes of trade would be treated as smugglers, and that no claims on account of loss of life or property from such wilful infraction of the law would be entertained.

On the 23rd April of this year a further notice, signed by the Moorish Minister, appeared in the "Times," stating that it had been reported that an English vessel had landed provisions, rice, and barley on the Soos coast, and had proceeded thence to England. His Excellency then refers to the formation of a Company to trade on the coast of Soos, in contravention of Treaty stipulations, without having obtained the permission of the Moorish Government, and he renews his protest against all concerned in these acts, holding those who proceed thither solely responsible for any damage or harm that may result, and adding that the Moorish Government will not be responsible for any loss of life or property, for the district of Soos is within the Sultan's dominions, and is not at present open to trade, and "the landing of goods there is contraband, and will be treated as such." Public attention was drawn to this notice in the Money Market and City Intelligence article of the "Times" of the following day.

The Soos and North African Company were, therefore, fully warned that, if they persisted in attempting to trade on the Soos coast, they would do so at their own risk and peril, and that goods landed there would be treated as contraband. They are aware that Erksheesh is part of the Sultan's dominions, for in their letter to your Lordship of the 4th instant they describe that port as being "in the Empire of Morocco."

Notwithstanding the warnings they have repeatedly received, and their knowledge that they were engaged in a contraband trade in Marsquine territory, they have chosen to accept the responsibility, and to incur the risk and peril of their act; yet now that, in conformity with Article XIII of the Convention of Commerce and Navigation of 1856, their goods have been confiscated to the Sultan, they come forward with a claim for 10,000*l.* against the Moorish Government for damages.

I beg to draw your Lordship's attention to the preposterous character of this claim put forward by the Company as damages for the seizure of property the actual value of which, as noted in the inventory, could hardly exceed 100*l.*

I have, &c.
(Signed) HORACE P. WHITE.

Inclosure 1 in No. 106.

Cid Mohammed Bargash to Consul White.

(Translation.)

(After compliments.)

Tangier, 22 Shawal, 1300 (August 26, 1883).

HIS Majesty the Sultan has informed us that his servant, the Kaid Cid Hamed-ben-Mohammed-el-Abûbi Serghini, had reported to His Majesty that Mr. Curtis had sent by his friends, Hadj Mohammed Bu Sheikha of Mogador and Jelani-ben-Ali of Mogador, a letter to the two tribes of Seboya and Mistee, calling upon them to support him, and to fulfil their engagements with him, and to protect the property he had left in the inclosure surrounded by stones, which he had marked out at the port of Erksheesh, until he should arrive by sea.

These two men were arrested, and an inventory taken of whatever was found in the said inclosure, and the inventory was transmitted to the Sultan, the same as is sent to you herewith. And our Lord ordered him (the Kaid) to send the two prisoners to the prison at Morocco as a punishment for having opened the door to illegal acts, and also to take possession of all that is noted in the inventory; for the act of establishing himself on that spot is in contravention of the protest made by us, his object being to carry on contraband. Therefore, whatever is found there is subject to the law of contraband. Moreover, this merchant has been repeatedly informed through our said protest that the responsibility for what befalls his person or property would rest with himself. Peace and friendship.

(Signed) MOHAMMED BARGASH.

Inclosure 2 in No. 106.

Inventory of Goods seized at Erksheesh.

(Translation.)

INVENTORY of the effects of the Christian, James Curtis, which were found in the place where he was at Erksheesh, in the district of Seboya, in the presence of his representative, Hadj Hamdun Ben Hadj Mohammed Bu Sheikha of Mogador, and his agent, Jelany Ben Ali of Mogador, and the servant of our Lord, Kaid-el-Ahsan Ben Aliat-es-Seboyi, and Cid Ahmed Ben Ali-el-Mestawi, and El-Hosein Ali-el-Mestawi:

- 9 bales of goat-skins each containing 32. Total number of goat-skins 282 (sic).
- 9 bales of sheep-skins, 40 skins in each bale. Total number of sheep-skins, 360.
- 4 small bales of wool.
- 2 canvas tents, made of seven widths, one over the other. (Qy., a double tent.)
- 2 Soos cork mattresses.
- 19 empty boxes.
- 2 barrels.
- 1 wooden chair.
- 8 old pieces of sailcloth.
- 1 pole.
- 17 pine beams, each sawn in three; i.e., 52 (sic) planks.
- 2 note-books.
- 1 iron brazier full of nails.
- 13 hoes.
- 1 small chain weighing-machine.
- 1 brown mule, aged.
- 1 dun mule, aged.

No. 107.

Mr. Reade to Earl Granville.—(Received September 4.)

(No. 45.)

My Lord,

Tunis, August 29, 1883.

WITH reference to my despatch No. 39 of the 1st instant, on the subject of General Sid Hamida Benayad's claims against the Tunisian Government, I have the honour to transmit to your Lordship the accompanying copy of a letter which the French Chargé d'Affaires has written in reply to one I had, some months previously, addressed to M. Cambon, when submitting to him a copy of General Benayad's Memorial with regard to his said claims against the Government.

I beg also to transmit a copy of a letter from General Benayad's attorney, protesting against the rejection which is now communicated to us of those claims, and of the official answer which I have felt it my duty to address to the Chargé d'Affaires, pending reference of the whole correspondence to your Lordship's Office.

Having already reported at some length upon the merits of the case in consideration, I feel I should be encroaching unnecessarily upon your Lordship's time if I were to enter into any detailed comment with regard to the Baron d'Estournelles' letter. The absence of anything like reasonable or sound argument in support of the conclusion to which that officer has arrived, and the almost contemptuous brevity with which he treats a case that has for so many years engaged the serious attention of the Tunisian Government, speak for themselves.

On the 30th of last month the Chargé d'Affaires wrote me a private note (which I beg to inclose in original) stating that the Prime Minister had occupied himself at some length about the Benayad claims, and had prepared a reply, which it would be impossible to render into French by the 1st August, i.e., within the term of two days, when, as I had intimated to him, it was my intention to forward the whole case to your Lordship's Office. Your Lordship will judge whether the reply communicated to me twenty-four days later corresponds with the description given in the private note.

With regard to the protracted period of time during which the Benayad claims have been in existence, and the plea which is consequently alleged for their rejection, I may be permitted to remark that, as a matter of fact, and according to Mussulman law, there is no limitation whatever as to time for claims against the Tunisian Government, and that, even in cases between one private individual and another, it is necessary to prove twenty years' abandonment of right before the Statute of Limitations can be enforced.

I have, &c.

(Signed) THOS. F. READE.

Inclosure 1 in No. 107.

Baron d'Estournelles to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 22 Août, 1883.

VOUS m'avez fait l'honneur de me communiquer par votre dépêche du 28 Mai dernier, un exemplaire du Mémoire que le Général Hamida Ben Ayad produit à l'appui de ses réclamations contre le Gouvernement Tunisien.

Le nombre de ces réclamations, présentées sous douze articles différents, n'est pas inférieur à vingt-six. Un certain nombre remonte à plus de vingt années; les plus récentes se rapportent à des affaires qui se sont passées il y a au moins onze ou douze ans.

Le Gouvernement de Son Altesse, désireux de répondre dans le plus bref délai possible à cette demande, a employé, sans perdre un instant, le temps qui s'est écoulé depuis sa réception jusqu'à ce jour pour se rendre un compte exact de la valeur des réclamations qui lui étaient ainsi adressées et qui d'après le Mémoire s'élevaient, en capital, intérêts et frais, à environ douze millions de piastres.

A la suite du travail et des recherches entrepris à ce sujet, il a paru que les réclamations du Général Hamida Ben Ayad n'étaient pas justifiées et que par conséquent le Gouvernement ne pouvait les admettre.

Dans cette situation je suis autorisé, M. le Consul-Général, à vous faire connaître, au nom du Gouvernement Tunisien, que si le Général Ben Ayad veut persister dans ses réclamations il doit s'adresser à la juridiction compétente.

Le Gouvernement défendra ses droits lorsqu'il sera régulièrement appelé à le faire.

Agréé, &c.

(Signé)

P. D'ESTOURNELLES.

Inclosure 2 in No. 107.

*M. Pelletier to Mr. Reade.**Tunis, le 25 Août, 1883.*

M. le Consul-Général,

LE Général Sid Hamida Ben Ayad a l'honneur de vous remercier d'avoir bien voulu lui faire communiquer la lettre de M. le Ministre Résident de la République Française, Ministre des Affaires Étrangères du Gouvernement de Son Altesse, en date du 22 Août courant, relative à ses réclamations contre le Gouvernement Tunisien.

Il résulte de cette lettre qu'après trois mois de travail et de recherches consacrés à l'examen du Mémoire produit par Sid Hamida, il a paru au Gouvernement de Son Altesse que ces réclamations n'étaient pas justifiées, et que par conséquent il ne pouvait les admettre.

"Dans cette situation," ajoute M. le Résident, "je suis autorisé à faire connaître au nom du Gouvernement Tunisien, que si le Général Ben Ayad veut persister dans ses réclamations il doit s'adresser à la juridiction compétente."

Certes, le Général Sid Hamida n'avait jamais fait grand fond sur les dispositions actuelles du Gouvernement Tunisien, mais néanmoins, la réponse de M. le Résident a lieu de lui causer quelque surprise.

Jamais, même du temps du Général Khérédine, on n'a répondu au Général Sid Hamida Ben Ayad d'une manière si laconique et si absolue. On a ajourné le règlement de ses comptes, on l'a subordonné à des événements qui ne s'accomplissaient pas, c'est vrai, mais on ne lui a jamais dit que ses réclamations n'étaient pas justifiées, et qu'on les rejetait purement et simplement. Il appartenait au régime actuel d'entrer dans cette nouvelle voie.

Serait-ce la suite des procédés dont on a usé récemment, envers le Général, dans la question des terrains de la Djedeida, et dans celles des lots urbains envahis par MM. Delsol et Maréchal, procédés où la violence et l'oubli de toutes formes semblent avoir été pris pour règle à son égard?

Avant les événements de 1881, Ben Ayad pouvait espérer le règlement de ses difficultés; du moins il comptait parvenir à s'entendre sur quelques-unes. Maintenant tout est remis en question. On se targue même, faute de raisons, de l'époque reculée où elles ont pris naissance!

En d'autres termes, on semble invoquer la péremption ou la prescription. Cependant, le Gouvernement Tunisien n'ignore pas, et sait mieux que personne, que les réclamations formées contre lui ne se prescrivent jamais.

Par le Mémoire produit, Ben Ayad concluait ou à un règlement amiable, ou à un

arbitrage. Le Gouvernement Tunisien le renvoie à la juridiction compétente; et cette juridiction n'existe pas!

Dans cette situation, le Général Sid Hamida Ben Ayad ne peut que protester contre la récente décision du Gouvernement Tunisien; et il fait appel à la bienveillante protection du Gouvernement de Sa Majesté Britannique et à votre haute sollicitude.

Il a l'honneur, &c.
(Signé) A. PELLETIER.

Inclosure 3 in No. 107.

Mr. Reade to Baron d'Estournelles.

Sir,

I BEG to acknowledge the receipt of your official letter of the 22nd instant, informing me, with regard to General Sid Hamida Benayad's claims against the Tunisian Government, as set forth in a "Mémoire" which I had the honour to submit to M. Cambon on the 28th May last, that those claims are not, in your opinion, justifiable, and, in view particularly of their great age, rejected. You add, however, that, if Sid Hamida should persist in his demands, he is referred to the "juridiction compétente."

Having communicated your letter to the claimant's attorney, I have received from him, in the form of a protest, a reply of which I beg hereto to annex a copy.

On my own behalf, and as the British Representative in this country, I must beg also to record the great disappointment with which I learn the result of all the study which you tell me has been devoted to the subject of the "Mémoire."

The circumstances under which, after a formal and definitive understanding had been come to with the Prime Minister and other responsible functionaries of the Government as to the particular accounts which had, for some years previously, alone stood in the way of Benayad's recovering from the Beylical Treasury the value of a number of "Tiskers" he holds in satisfaction of services rendered and payments made to or on behalf of the Tunisian Government, M. Cambon interposed the authority of his high position, and insisted upon Benayad's presenting all his claims against the Government at one and the same time, a course which, apart from its other objections, has involved the claimant in much unnecessary delay and expense—these, and other circumstances which I need not here enumerate, led us naturally to expect that, if a decision were unfortunately come to to reject the Benayad claims, it would be upon some other plea than that of their long-standing character, a plea which has never before been put forward, and which, but for the official channel through which it is now communicated, could with difficulty be regarded as serious.

Regarding the "juridiction compétente" to which, in case of persistence in the demands made, the claimant is referred, I have only to remark that, unless we may look for it in the formation of a regularly appointed Commission of Arbiters, I know not where it is to be found.

I leave, however, all further consideration of your letter to Her Majesty's Government, and confirm, in the meanwhile, the protest which is expressed in the accompanying Petition.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 4 in No. 107.

Baron d'Estournelles to Mr. Reade.

Cher M. Reade,

J'ALLAIS vous écrire à ce sujet. J'ai rappelé plusieurs fois l'intérêt que vous attachez à voir traiter cette affaire* le plus promptement possible. Je fais demander au Premier Ministre de me mettre à même de vous répondre. Je sais qu'il s'est occupé longuement de cette affaire hier.

Votre, &c.
(Signé) P. D'ESTOURNELLES.

P.S.—Je viens de voir M. Bompard, qui me dit que la réponse est prête mais qu'il est difficile sinon impossible qu'elle soit traduite et expédiée pour après-demain.

P. D'E.

* Affaire Benayad contre le Gouvernement Tunisien.

No. 107*.

Sir J. Pauncefote to the Law Officers of the Crown and Dr. Deane.

Gentlemen,

Foreign Office, September 4, 1883.

I HAVE the honour to transmit to you, by direction of the Secretary of State, the papers noted in the accompanying list, which relate to the establishment of French Tribunals in Tunis, under the Law of the 27th March last, and to the question of the abrogation of foreign Consular jurisdiction in that Regency, which the French Government are desirous should be assented to by foreign Governments, in order that foreigners should henceforward be amenable to the new jurisdiction.

At p. 38 of the printed Correspondence you will find the note from the French Chargé d'Affaires at this Court, dated the 10th May last, inclosing the various Laws, Decrees, &c., establishing the new Tribunals; and requesting Her Majesty's Government to waive the British Consular jurisdiction in their favour.

Her Majesty's Government having decided to withdraw the jurisdiction of their Consular Representative, under certain conditions to be determined upon, it was thought desirable to consult the late Sir Francis Reilly upon this subject, and a Memorandum from him stating his views on various points upon which he was requested to report will be found at p. 48 of the print.

On the 20th June last Earl Granville intimated to the French Ambassador that, subject to certain reservations, and to explanations on sundry points on which further information was required by Her Majesty's Government, they would take the proper measures to relieve Her Majesty's Consular officers in the Regency of their judicial functions as soon as the other foreign Governments represented in Tunis had signified their willingness to adopt a similar course (p. 51).

In the meanwhile, the papers on this subject were submitted to M. Treitt, the Legal Adviser to Her Majesty's Embassy at Paris, whose Report is given at p. 56 of the print, being inclosure in Lord Lyons' despatch No. 414 of the 3rd July.

The reply of the French Government to the inquiries put to them, as above stated, will be found at p. 60, and appears to Lord Granville to be, on the whole, satisfactory. There are, however, two points which appear to his Lordship to give rise to objection:—

1. The absence of a right of challenging Assessors.
2. The limitation of the right of foreign advocates to practise before the French Tribunals to those now practising there.

As regards the first point, I am to refer you to the remarks of M. Treitt thereon; and, as regards the second point, I am to observe that, in view of the large foreign community in Tunis, it would appear very desirable to press for the extension of this right to all duly qualified foreign advocates, under proper conditions and regulations.

It further appears to Lord Granville that care must be taken to reserve every other right or privilege retained by any other nation, and notably by Italy, whose reservations, which are more extensive than those of Her Majesty's Government, will be found at p. 64.

I am to request that you will take the papers transmitted herewith into your consideration, and that you will favour Lord Granville with your opinion as to whether the above reservations are desirable and sufficient, and with any general observations which you may have to offer on the general questions.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

List of Papers.

1. Correspondence respecting the Establishment of French Tribunals in Tunis.
2. Minute on M. Treitt's Report (A).
3. General Minute on the Papers (B).

No. 108.

Consul White to Earl Granville.—(Received September 5.)(No. 79.)
My Lord,*Tangier, August 29, 1883.*

WITH reference to my despatch No. 78 of the 27th instant relative to the seizure of the property of the Soos and North African Company at Erksheesh, I have the honour to transmit copy of a despatch I have received from Her Majesty's Consul at Mogador, inclosing a letter addressed to him by Mr. Andrews, agent of the Soos and North African Company, requesting him to inform the Moorish Government that the Company will "hold them responsible for all losses, present and future, that they may incur by their action."

I have informed Mr. Payton that I must decline to take any action in this matter without instructions from Her Majesty's Government.

Although Mr. Payton's despatch is dated the 20th ultimo, it only reached me yesterday, the Mogador mail-bag having been carried on by mistake to Marseilles, and thence returned to Mogador.

I have, &c.
(Signed) HORACE P. WHITE.

Inclosure 1 in No. 108.

Consul Payton to Sir J. Drummond Hay.

Sir,

Mogador, July 20, 1883.

WITH reference to my letter of 13th instant, reporting the seizure in Ait Ba Amaran of two native employés of the Soos and North African Company, I have now the honour, in conformity with your instructions in letter of the 5th June, to transmit a written application which has been made to me in the matter by Mr. Andrews, the agent of that Company.

I have already informed Mr. Andrews of the reasons which preclude my interfering on behalf of the men in question, and shall further tell him that I am unable to comply with his request in making such a communication as he desires to the Moorish Government, but that I have forwarded his application (retaining a copy) to you.

I have, &c.
(Signed) CHAS. A. PAYTON.

Inclosure 2 in No. 108.

Mr. Andrews to Consul Payton.

Sir,

The House, Binnet Said, Mogador, July 19, 1883.

I BEG to call your attention to the seizure of two Moors, servants of mine, by the Sultan's soldiers, at present in the "Ite Barmaran." The men in question were sent to collect debts contracted by all the prominent Chiefs in that country with the "Soos and North African Trading Company, Limited," and I must ask you, as Agent for above Company, to inform the Moorish Government that "we shall hold them responsible for all losses, present and future, that we may incur by their action."

I remain, &c.
Pro Soos and North African Trading Company (Limited),
(Signed) W. C. ANDREWS.

No. 109.

Earl Granville to Mr. Plunkett.

(No. 849.)

Sir,

Foreign Office, September 5, 1883.

I TRANSMIT to you herewith a copy of a despatch from Her Majesty's Agent and Consul-General in Tunis,* inclosing a copy of a paper drawn up by the English

* No. 77.

Representatives on the Board of Control of the Tunis Finance Commission, referring to certain negotiations which are reported to be proceeding at Paris with the object of establishing a new financial régime in Tunis in lieu of that now in operation.

In your despatch No. 497 of the 3rd ultimo, you inclose, extracted from the "République Française," the text of a "Projet de Loi" for the ratification of the Convention of the 8th June between the French Government and the Bey of Tunis, regulating, amongst other things, certain financial matters between the two countries; but as Her Majesty's Government have as yet received no information as to the details of any scheme which the French Government may have in view affecting the Financial Commission and the Tunisian Department, I have to request that you will endeavour to ascertain what are the views and intentions of the French Government in this matter, and how far any negotiations on this subject may have proceeded.

I am, &c.
(Signed) GRANVILLE.

No. 110.

Earl Granville to Mr. Reade.(No. 14.)
Sir,*Foreign Office, September 5, 1883.*

YOU are aware that the question of the abrogation of foreign Consular jurisdiction in Tunis, consequent upon the establishment of the French Tribunals by the Law of the 27th March last, is under the consideration of Her Majesty's Government.

Amongst the questions to be considered is that of placing the military jurisdiction of the French authorities in Tunis on a proper footing, and the adjustment of the various claims of British subjects against the Bey or the French authorities in Tunis.

I have accordingly to request that you will furnish me, as early as may be possible, with a Report showing what claims of this nature are now outstanding, with a short summary of the facts of each.

I am, &c.
(Signed) GRANVILLE.

No. 111.

Earl Granville to Mr. Reade.(No. 15.)
Sir,*Foreign Office, September 5, 1883.*

I HAVE received your despatch No. 40 of the 6th ultimo, inclosing copy of a paper which has been forwarded to you for transmission to this Department by the English Representatives of the Board of Control of the International Finance Commission of Tunis (a similar document, as you state, having reached your Italian colleague from the Italian Representatives on the same Board), referring to certain negotiations which are stated to be progressing at Paris with the object of abolishing the Finance Commission.

I have to state to you that this matter is receiving the attention of Her Majesty's Government in communication with that of Italy.

I am, &c.
(Signed) GRANVILLE.

No. 112.

Earl Granville to M. Catalani.

M. le Chargé d'Affaires,

Foreign Office, September 5, 1883.

I HAVE the honour to acknowledge the receipt of the letter which his Excellency Count Nigra addressed to me on the 14th ultimo, stating that the Italian Government had received from the Italian Representatives on the Board of Control of the Finance Commission of Tunis a Memorandum setting forth various questions respecting the Public Debt of Tunis with reference to the new financial régime which it would appear that France contemplates establishing in Tunis in lieu of that now existing.

I have now the honour to state, in reply to Count Nigra's inquiries, that Her Majesty's Government have received a similar Memorandum from the British Controllers upon the same subject, but that Her Majesty's Government are not in possession of any information as to the new financial régime which it is said that the French Government propose to institute.

The French Treaty of the 12th May, 1881, by Article VII, guarantees the rights of the creditors of Tunis, and Her Majesty's Government have no reason to believe that any scheme will be proposed which will prove detrimental to the interests of the holders of Tunisian obligations, but they have always maintained their right to intervene for the protection of the Tunisian creditors, on the ground of the international agreement between the Governments of Great Britain, France, and Italy, in pursuance of which the Bey's Decree of the 5th July, 1869, establishing the Financial Commission, was issued.

It appears to Her Majesty's Government that it would be premature to consider the question until the French proposals are known, and Her Majesty's Representative at Paris has been instructed to endeavour to ascertain the general nature of the scheme in contemplation.

I have, &c.
(Signed) GRANVILLE.

No. 113.

Mr. White to Earl Granville.—(Received September 6.)

(No. 80.)

My Lord,

Tangier, August 30, 1883.

WITH reference to my despatch No. 76 of the 19th instant, I have the honour to acquaint your Lordship that Caïd Siusi, the Governor of Rabat, arrived at Tangier on the 29th instant from Arzila, on board the Italian dispatch vessel "Agostino Barbarigo," which had been sent to meet him at that port.

The Caïd presented himself this morning at the Italian Legation, where, in the presence of the Admiral and some of the officers of the squadron, he expressed to the Italian Minister his regret that his conduct should have given cause for dissatisfaction, and asked pardon.

Cid Mohammed Bargash informed me that he has reason to expect that an amicable arrangement of the other demands put forward by Signor Scovasso will be effected. In the meantime the Italian squadron remains in the Bay of Tangier.

I have, &c.
(Signed) HORACE P. WHITE.

No. 114.

Mr. Preston to Mr. Staveley.—(Received September 6.)

Sir,

21, Delahay Street, Westminster, September 6, 1883.

I HAVE seen Sir Julian Pauncefoot, and arranged with him to return all Foreign Office papers under consideration by the late Sir Francis Reilly. Sir Julian mentioned that "Tunis" was the only matter of immediate importance, so I have searched up and return the papers. Kindly sign and return the inclosed list by the bearer.*

I have, &c.
(Signed) EDWARD PRESTON,
Clerk to the late Sir Francis Reilly.

No. 115.

Sir J. Drummond Hay to Mr. Currie.—(Received September 8, 3:30 P.M.)

(Telegraphic.)

Penicuik, N.B., September 8, 1883, 2:30 P.M.

JUST arrived from Continent.

Concur with White's opinion that Moorish Government be advised to treat Italian claim on same footing as English and French claims.

* These papers were inclosed in Foreign Office letter of July 13, 1883.

No. 116.

Mr. White to Earl Granville.—(Received September 13.)

(No. 81. Confidential.)

My Lord,

Tangier, September 6, 1883.

WITH reference to my despatch No. 80 of the 30th ultimo, I have the honour to inform your Lordship that the differences which have existed between the Italian and Moorish Governments have been finally arranged, and the Italian squadron, which had been lying in this bay for forty-two days, sailed this morning for Gibraltar, under a salute from the town batteries, which was returned by the iron-clad "Palestro."

Cid Mohammed Bargash called on me this morning shortly after the departure of the squadron, and after receiving my congratulations on the termination of these differences, his Excellency stated that he felt greatly indebted to the Italian Admiral, Scinita, of whom he spoke in the highest terms, attributing, in great measure, to his impartial, just, and straightforward character the successful issue of the negotiations.

Cid Mohammed Bargash informed me confidentially that matters had at one time assumed a very menacing aspect, the Italian Minister having threatened that Rabat would be bombarded if his demands were not acceded to. This occurred after satisfaction had been given by the Caïd of Rabat.

These demands, however, appear to have been subsequently considerably modified. As originally put forward in the ultimatum of the Italian Minister the demands embraced the dismissal of the Governor of Rabat; the payment by the Moorish Government of a sum amounting to about 130,000 dollars for private debts due by Moorish subjects to Italians and to natives under Italian protection, and the payment of 1,000 dollars as an indemnity to an Italian subject by a Caïd of the Interior, who was also required to proceed to Daralbaida to make an apology at the Italian Vice-Consulate.

The arrangement that has been accepted is an apology from the Governor of Rabat, who retains his post; the debts, reduced to 70,000 dollars, to be paid, not by the Moorish Government, but by the debtors, if solvent, within a fixed term; an apology from the Caïd of the Interior, without payment of any indemnity.

The demand, put forward in writing at the expiration of the twenty days from the presentation of the ultimatum, that the expenses of the Italian squadron should be paid by the Moorish Government, has been entirely dropped.

The firm attitude of the Moorish Government, who from the first stated their readiness to accede to every just demand, whilst refusing to yield to any unjust or unreasonable demand, evidently caused great surprise to the Italian Representative, as it did to the public generally.

There can, I think, be little doubt that the Italian Government felt itself placed in a false position by their Representative in Morocco, who had led them to believe that the Moorish Government had shown disrespect and want of good faith towards them, and that the mere presence of a squadron at Tangier would suffice to bring the Moorish Government to submission.

The Italian Admiral in his interviews with the Moorish Minister must have arrived at the conclusion that there was in reality little cause of complaint against the Government of the Sultan, and that the demonstration made in these waters was ridiculously disproportionate to the exigencies of the case, and he must have felt that it was necessary to extricate the Italian Government as soon as possible, and on the best terms that could be arranged, from the difficult position in which they had been placed.

The terms finally accepted, which differ so widely from the demands that had been put forward, prove, I think, the correctness of this view of the matter.

The Moorish Government is to be congratulated upon the satisfactory termination of this difficult question, but I fear that, so long as Italy is represented here by Signor Scovasso, fresh complications may at any time arise between the two Governments.

I have, &c.
(Signed) HORACE P. WHITE.

No. 117.

Mr. Reade to Earl Granville.—(Received September 14, 4:30 P.M.)

(No. 20.)

(Telegraphic.)

Tunis, September 14, 1883, 11:30 A.M.

IN order to carry out thoroughly your Lordship's instructions regarding a full Report on pending differences, it will be necessary for me to visit the different coast towns where

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heavy pending cases exist, in order to personally investigate the same. As communication is difficult owing to quarantine arrangements, I venture to suggest that a small ship of war be permitted to convey me to the place (? s which I) propose to visit.

No. 118.

Mr. Lister to the Secretary to the Admiralty.

(Confidential.)

Sir,

Foreign Office, September 15, 1883.

I AM directed by Earl Granville to request that you will state to the Lords Commissioners of the Admiralty that Her Majesty's Agent and Consul-General in Tunis has recently been instructed to furnish, with as little delay as possible, a Report upon all outstanding claims of British subjects against the Bey or the French authorities in Tunis, and that Mr. Reade, in reply, has telegraphed that it will be necessary for him to visit the different coast towns where pending cases exist, in order to investigate them personally.

As communication is difficult owing to quarantine arrangements, he suggests that a small man-of-war should be permitted to convey him to the places which he proposes to visit.

For reasons connected with the proposed abrogation of foreign Consular jurisdiction in Tunis, it is much to be desired that Mr. Reade's Report respecting the British claims should be completed as soon as possible, and I am consequently to inquire whether the Lords Commissioners of the Admiralty could, without much inconvenience, detach a small vessel for the service in question.

I am, &c.
(Signed) T. V. LISTER.

No. 119.

The Secretary to the Admiralty to Lord E. Fitzmaurice.—(Received September 18.)

THE Secretary to the Admiralty presents his compliments to the Under-Secretary of State for Foreign Affairs, and begs to acquaint him that Her Majesty's ship "Coquette" has been ordered to be placed at the disposal of Her Majesty's Agent and Consul-General at Tunis, with reference to Foreign Office letter of the 15th instant.

Admiralty, September 17, 1883.

No. 120.

Mr. Plunkett to Earl Granville.—(Received September 19.)

(No. 630.)

My Lord,

Paris, September 18, 1883.

WITH reference to Lord Lyons' despatch No. 415 of the 3rd July, and to your Lordship's despatch No. 635 of the 27th June, I have the honour to inclose herewith a copy of the answer which I have received from the French Government respecting the forcible invasion by French citizens of a piece of ground at Tunis belonging to the British-protected subject, General Sid Hameida Benayad, although it was at the time in the custody of a watchman placed there by Her Majesty's Consulate General.

Your Lordship will see that Baron d'Estournelles does not admit the official character of the watchman; he states that a verbal arrangement was come to last year by which the custody of the piece of ground, during the discussion before the Tribunals, was entrusted to two men, named respectively by each of the two parties, but the persons so appointed were not nominees of the Consulates. Both the English and the French Consulates had confined their action to recommending the parties interested to agree to this arrangement.

For some time the two watchmen took charge of the ground by turns, then the French watchman ceased coming; when M. Maréchal wished to claim his rights he had no proof to bring of the arrangement come to with regard to the watchmen, and, in order not to compromise his case, he thought the best course was to take possession himself of the ground.

Baron d'Estournelles does not defend such action on his part; he will invite M. Maréchal to give up the piece of ground pending the trial, on condition that the two watchmen are put back; but he states that Her Majesty's Consul-General will not agree to this course, and adds that General Benayad applied to the "Procureur de la République" to prosecute M. Maréchal. But the Criminal Court not being competent in a case of this kind, the General's only course is to bring a civil action.

The note concludes by hoping that your Lordship will see that there has been no denial of justice in this affair, nor has any insult been offered to any employé of the British Consulate General, such a character, it argues, cannot be claimed by the watchman placed on the ground by a private individual.

I have, &c.
(Signed) F. R. PLUNKETT.

Inclosure in No. 120.

M. Jules Ferry to Mr. Plunkett.

M. le Ministre

Paris, le 17 Septembre, 1883.

PAR une communication du 3 Juillet dernier, M. l'Ambassadeur de la Grande-Bretagne à Paris avait entretenu M. Challemel-Lacour d'un incident qui avait eu lieu à Tunis, à propos d'un terrain situé dans cette ville, et dont le Général Ben-Aïad, protégé Anglais, et M. Maréchal, de nationalité Française, se disputent la propriété. J'ai l'honneur de porter aujourd'hui à votre connaissance les informations qui m'ont été transmises par M. le Baron d'Estournelles, chargé par mon Département d'ouvrir une enquête sur cette affaire.

Il avait été convenu verbalement l'année dernière que la garde du terrain contesté serait, pendant la durée du procès, confiée non pas à une personne désignée par le Consul d'Angleterre, mais à deux gardiens choisis par les parties elles-mêmes, le rôle du Consul de Sa Majesté Britannique et celui du Consul de France s'étant borné à conseiller aux intéressés de prendre cet arrangement. Pendant un certain temps les deux gardiens vinrent à tour de rôle, puis le gardien Français a cessé de paraître, et lorsque M. Maréchal voulut réclamer, ne pouvant apporter les preuves de l'arrangement intervenu, il crut devoir, pour ne pas laisser compromettre ses droits, se remettre lui-même en possession du terrain contesté. Le gardien nommé par le Général Ben-Aïad protesta et fut expulsé par les ouvriers amenés par M. Maréchal.

Le Consul de Sa Majesté Britannique se rendait alors auprès du Délégué à la Résidence Française pour demander que le surveillant Anglais fut rétabli, sans faire mention, d'ailleurs, de mauvais traitements infligés à un employé de son Consulat. Le Baron d'Estournelles n'a pas hésité à reconnaître ce qu'il y avait d'incorrect dans la façon d'agir de M. Maréchal, qu'il avait déjà blâmé directement. Il proposa d'engager ce dernier à évacuer le terrain jusqu'au règlement du procès sur le fond, en y remplaçant les deux surveillants. Mr. Reade ne crut pas devoir souscrire à cette combinaison, et le Général Ben-Aïad s'adressa au Procureur de la République pour demander que les poursuites fussent intentées contre M. Maréchal. Mais ce magistrat, après examen des actes motivant la plainte, reconnut qu'ils ne constituaient pas un délit de nature à provoquer un procès correctionnel; le fait d'avoir pénétré sur un terrain qui n'est pas même clos ne pouvant être considéré comme une violation de domicile. Le Tribunal Correctionnel n'ayant pas été saisi, on ne peut dire qu'il se soit déclaré incompétent. La seule voie qui s'ouvrit alors et qui s'ouvre encore aujourd'hui au Général Ben-Aïad est d'intenter un procès civil devant la juridiction compétente.

Ces explications suffiront, je l'espère, à démontrer au Gouvernement de Sa Majesté Britannique qu'aucun déni de justice ne saurait être reproché dans cette circonstance aux autorités judiciaires Françaises en Tunisie, et que si le différend n'a pas été l'objet d'un règlement amiable, ce n'est pas à notre Chargé d'Affaires qu'il faut l'attribuer. Enfin, le rapport de M. le Baron d'Estournelles constate qu'aucun officier du Consulat Britannique n'a été molesté, cette qualité ne pouvant être donnée, ce semble, à un gardien préposé par un simple particulier comme est le Général Ben-Aïad.

Agréé, &c.
(Signé) JULES FERRY.

Mr. Plunkett to Earl Granville.—(Received September 19.)

(No. 631.)

My Lord,

Paris, September 18, 1883.

IN your Lordship's despatch No. 849 of the 5th, which reached me on the 13th instant, you instruct me to endeavour to ascertain what are the views and intentions of the French Government as to the details of any scheme which they may have in view affecting the Tunis Finance Commission and its relations with the Tunisian Departments, and your Lordship refers to my despatch No. 497 of the 3rd ultimo as containing the last information which had reached you on this subject.

In my despatch No. 500 of the 7th ultimo I had the honour to inclose the "Projet de Loi" and the "Exposé des Motifs" submitted to the Chamber of Deputies relative to the ratification of the Convention signed between the French Minister and the Bey of Tunis on the 8th June last.

The "Exposé" at pp. 3-5 contains the only details with reference to the proposed action of the French Government in regard to Tunisian finance which have so far been published.

Your Lordship will have seen that the proposal is that the Bey should be authorized to raise, under the sole guarantee of France, a loan with which His Highness is to pay off both the funded and the floating debt, which is administered by the International Commission.

Although I was pretty certain that no further action had as yet been taken in this matter, I thought it prudent to inquire incidentally this afternoon of M. Billot what are the intentions of the French Government, or whether they had yet commenced negotiations on the subject with foreign Governments.

M. Billot, who expressed some surprise at the question, said nothing had yet been done except to submit the Convention to the Chambers.

If the Chambers approved, as he hoped they would, the Bey would then be able to raise a fresh loan, with which he would pay off all his present creditors. The International Commission would then cease to exist *ipso facto*, in consequence of the payment of all the debts which it was created to control, and therefore no special arrangements with foreign Powers would be required.

I contented myself with saying I had no instructions to discuss the matter, but I doubted either the bondholders or all foreign Governments agreeing to this view of the question.

M. Billot again expressed surprise at anybody refusing to admit the right of the Bey to get rid of his creditors by paying them off in full.

I said I believed the bondholders consider these debts are repayable "par voie de rachat," and not merely "par voie de remboursement," as the French Government now seem to propose.

M. Billot would not admit that this made any difference in the right of the Bey to free himself of his creditors by the full payment of all his debts.

I thought it best not to invite further discussion, and, merely intimating dissent from his views, I turned the conversation into other subjects.

I have, &c.
(Signed) F. R. PLUNKETT.

No. 122.

Count Nigra to Earl Granville.—(Received September 19.)

(Translation.)

My Lord,

London, 35, Queen's Gate, September 17, 1883.

HER Majesty's Government has doubtless had its attention drawn to the French project for reorganizing the present financial régime of Tunis, in which the International Financial Commission established in 1869 played an important part.

That Commission (on which Italian and English members sat conjointly with the French) rendered important services, and was equal to its task. In the midst of grave difficulties it succeeded in improving and sustaining the credit of Tunis, and saving the foreign creditors from the loss of their investments.

On the other hand, it is questionable whether the French project (considered not under its political, but solely under its financial aspect) be really necessary for the improvement of the Tunisian finances.

The question is one which interests the Italian no less than the British Government. I am therefore instructed to request your Excellency to be so good as to inform me what are the views of Her Majesty's Government on this matter as soon as the necessary consideration of the subject shall have put them in a position to form an opinion.

The Italian Government would be especially glad to be informed of the views of Her Majesty's Government on the following points:—

1. Whether Italy and England, who co-operated in the establishment of the Tunis Financial Commission, have the right to oppose the measures which the Bey might be ready to take in conformity to the "Projet de Loi" submitted to the French Chamber.

2. Whether, supposing it be recognized that that right does exist, it be for the interest of Italy and England to avail themselves of it; whether, that is, it would be advisable for Italy and England to refuse their consent to the carrying into effect of the said French "Projet de Loi;" or whether it would be advisable for them to grant their consent, either unconditionally or subject to certain conditions, as, for instance, the prolongation, guaranteed for a considerable period of time, of the commercial stipulations at present in vigour between Tunis on the one side and Italy and England on the other side; the eventual return, after the redemption of the so-called certificated bonds, to the 3 per cent.* Customs régime; the admission of Italian and English employés to the new organization.

I have, &c.
(Signed) NIGRA.

No. 123.

Earl Granville to Mr. Fraser.

(No. 206. Confidential.)

Sir,

Foreign Office, September 19, 1883.

I HAVE to request that you will inform the Italian Government, very confidentially, that there are certain outstanding claims of British subjects in Tunis against the French Government, respecting which the two Governments have hitherto been unable to come to an understanding, and that, in view of the attitude which the French Government have assumed with regard to them, Her Majesty's Government propose to defer the waiving of their rights of Consular jurisdiction in Tunis in civil and criminal matters until these claims have been satisfactorily disposed of by arbitration.

I am, &c.
(Signed) GRANVILLE.

No. 124.

Earl Granville to Mr. Plunkett.

(No. 899. Very Confidential.)

Sir,

Foreign Office, September 19, 1883.

I TRANSMIT to you herewith, for your confidential information, a copy of a despatch which I have addressed to Her Majesty's Chargé d'Affaires at Rome, desiring him to inform the Italian Government, very confidentially, of the manner in which Her Majesty's Government propose to deal with the question of the claims of British subjects in Tunis against the French Government.† Mr. Reade, Her Majesty's Agent and Consul-General, is preparing a full Report upon the subject of these claims.

I am, &c.
(Signed) GRANVILLE.

No. 125.

Earl Granville to Mr. Plunkett.

(No. 902.)

Sir,

Foreign Office, September 19, 1883.

I TRANSMIT to you herewith two despatches from Her Majesty's Agent and Consul-General in Tunis, upon the subject of the long-pending claims of General Sid Hamida Ben Ayad, a British-protected subject, against the Tunisian Government.‡

* Upon this point, see Sir E. Hertslet's Memorandum of December 7, 1882.
† No. 123. [1445]
‡ See Part IV, No. 124*; and *ante*, No. 107.

In Mr. Reade's despatch No. 45 you will find copy of a letter from the French Chargé d'Affaires in Tunis, declining, on behalf of the Tunisian Government, to entertain them.

I have to request that you will intimate to the French Government that Her Majesty's Government cannot accept this summary rejection of General Ben Ayad's claims.

It appears to them that this is a proper case to be settled by arbitration, and Her Majesty's Government are willing that it should be so disposed of.

They can see no reasonable ground for objecting to this course, and they would be glad to learn that the French Government are ready to agree to it.

I am, &c.
(Signed) GRANVILLE.

No. 126.

Mr. Currie to Mr. Broadley.

Sir, *Foreign Office, September 19, 1883.*
I AM directed by Earl Granville to acknowledge the receipt of your letter of the 24th ultimo, upon the subject of the claim of Mr. M. de J. Levy against the French Government on account of the occupation by the French military authorities of some property belonging to him at Gabes; and, in reply, I am to assure you that this claim will not be lost sight of by Her Majesty's Government.

I am, &c.
(Signed) P. CURRIE.

No. 127.

Mr. White to Earl Granville.—(Received September 20.)

(No. 82.)
My Lord, *Tangier, September 12, 1883.*
WITH reference to my despatch No. 74 of the 13th ultimo, reporting the movements of the Hispano-Moorish Commission sent to determine the site of Santa Cruz de Mar Pequeña, I have the honour to transmit herewith extracts from a further letter I have received from Her Majesty's Consul at Mogador on this subject.

I have, &c.
(Signed) HORACE P. WHITE.

Inclosure in No. 127.

Consul Payton to Mr. White.

(Extract.) *Mogador, September 7, 1883.*
I HAVE now to report that the aviso "Ligera," which arrived here on the 1st instant from the south, brought back the Spanish Consul and Spanish and Moorish Commissioners, except, I believe, the Spanish engineer, Don Juan de Leon y Castillo, who remained, it is said, at Assáka, he being commissioned by his Shereefian Majesty to look out for a suitable place for His Shereefian Majesty to open a port, and Moulai Hamed Soneiri, who is reported to have joined Hadj Abderrahman and Cid Mohammed Sagher.

These officials, who were accompanied by an interpreter, will, it is supposed, meet Señor Leon y Castillo, and join him in his survey.

I hear that the Spanish Commissioners proceeded by sea as far south as Cape Juby, where they visited Mackenzie's factory, Mackenzie being absent, and appear to have been impressed with the appearance of the place—good solid buildings, six little cannon and a fine armoury of small arms, but not much show of trade.

It is reported that they were pleased with the fertility of the Soos country from Agadir to Messah, but below Messah consider it a mere desert, very poor, and very sparsely inhabited.

They were said to be three days off Erksheesh, where the landing is by no means so good as was stated by Mr. Curtis.

I heard from Señor Lozano* that the Kaid of Shouya and other Chiefs down there said that, now that it is known that the Sultan means to open a port, they will respect his authority, and not receive any unauthorized Christians.

Further, that the only really good anchorages are those at Agadir and Cape Juby. The climate, he says, was pleasant, temperature similar to that of Mogador, but without our prevalent northerly wind. He said that they were everywhere very well received and fêted.

Moorish reports, very vague as usual about the locality, say that far down south the Spaniards were not very well received; that in many places there were crowds of natives to oppose their landing; that in one place the Arabs aimed their guns at them, and on being remonstrated with by Kaid Dachman, who said the strangers were sent by the Sultan, said, "What do we care for the Sultan?" Also, that the Spaniards took note of five places, but did not like any of them, especially Cansado.

The "Ligera," with some of the Commissioners, sailed on the 2nd instant for the Canaries; Señor Jandenes, military engineer, remaining here. I understand that Señor Lozano is going up to Tangier by "Les Voges," and probably going on some months' leave. Probably Señor Jandenes will accompany him.

No. 128.

Earl Granville to Mr. Plunkett.

(No. 918.)
Sir, *Foreign Office, September 22, 1883.*
IN my despatch No. 716 of the 23rd July last, whilst expressing my approval of Lord Lyons having deferred taking any action on my previous despatch No. 704 in regard to the case of the Maltese, Giovanni Mangano, and requested you to communicate to M. Challemel-Lacour the substance of the evidence furnished in regard to the conduct of the French officer, in drawing his sword and wounding Mangano on the head, and to express the hope that an inquiry would be instituted into that officer's conduct; and you were to add that the important question of jurisdiction raised in this case was engaging the careful attention of Her Majesty's Government, and would form the subject of further correspondence.

Since the date of my last despatch, Her Majesty's Government have, in consultation with the Law Officers of the Crown, attentively considered the latter subject in its various bearings; and I have now to make the following observations:—

In response to Mr. Reade's demand, that Mangano should be handed over to Her Majesty's Consulate, the French authorities, as appears from the inclosure in Lord Lyons' despatch No. 441 of the 14th July, contended that the attack by the Maltese on a captain attached to the French army constituted an offence committed in a foreign country against a person attached to an army occupying that country, and that, consequently, according to international law, the offender was subject to the jurisdiction of the Military Tribunals of that army.

Her Majesty's Government are not prepared to dispute that, as a general rule of international law, an attack on an army of occupation, even although directed against its individual members, falls properly within the cognizance of the Military Tribunals of that army.

But in the present case the French Government have established a Protectorate over Tunis, intended to be of a permanent character, and the army is stationed there in support of their authority: a complete system of French judicature has been established in the Regency, and foreign Governments have been invited to waive their Consular jurisdiction in favour of the new Civil Tribunals. Under these circumstances, Her Majesty's Government contend that the army has ceased to be an army of occupation in a foreign country within the ordinary sense of the term.

But apart from this, it appears to Her Majesty's Government that where an army remains in occupation, after peace and order are restored, in a country where foreigners enjoy the rights of extraterritoriality as at present in Tunis, the Military Tribunals can only properly claim cognizance of offences by a foreigner against a member of the army of occupation, when the offence is an act of hostility to the member as such, namely, in his military capacity.

It is true that the military jurisdiction is claimed and exercised for the safety of the army, and that individual assaults upon its individual members may endanger its safety.

* Spanish Consul at Mogador.

But, in the opinion of Her Majesty's Government, the military jurisdiction cannot on any sound principle be extended to the case of an offence against an individual member of the army which does not constitute an act of hostility to the army, but arises out of some private quarrel or dispute.

On these grounds, Her Majesty's Government maintain that the claim of Her Majesty's Consul to exclusive jurisdiction in the case was well founded. The assault by Mangano was in no sense committed against the French officer in consequence of his being a soldier, but resulted from circumstances which would equally have affected a private person.

According to the evidence furnished to Her Majesty's Government, the conduct of that officer in drawing his sword and wounding Mangano in the head appears to have been wholly unjustifiable, and seeing that the Maltese was detained for some days in custody, and that the charges against him were found insufficient for instituting a prosecution, I have to request that you will, in addressing a representation to the French Government embodying the above remarks, renew the request of Her Majesty's Government, that an inquiry may be instituted into the conduct of the French officer.

You will at the same time point out that it is very desirable that this question of military jurisdiction should be placed on a satisfactory footing before any further action is taken by Her Majesty's Government with reference to the abandonment of their Consular jurisdiction.

I am, &c.
(Signed) GRANVILLE.

No. 129.

Earl Granville to Mr. Fraser.

(No. 214.)
Sir,

WITH reference to my despatch No. 197 of the 16th August, I have to acquaint you that M. Catalani, the Italian Chargé d'Affaires, has informed me that the differences between the Italian and Moorish Governments have been definitively settled.

In expressing to him my satisfaction that an arrangement had been arrived at, I said that, in compliance with the wish expressed by his Government, I had been on the point of telegraphing to Her Majesty's Chargé d'Affaires at Tangier, instructing him to advise the Moorish Government to treat Italian claims on the same footing as English and French claims.

I am, &c.
(Signed) GRANVILLE.

No. 130.

Earl Granville to Consul White.

(No. 42.)
Sir,

WITH reference to your despatches Nos. 78 and 79 of the 27th and 29th August respectively, I transmit to you herewith copy of a letter which I have addressed to the agents of the Soos and North African Company,* informing them that, in view of the repeated warnings given to the Company, Her Majesty's Government must decline to interfere now that some of their property has been seized as contraband.

I am, &c.
(Signed) GRANVILLE.

No. 131.

Earl Granville to Count Nigra.

M. l'Ambassadeur,

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 17th instant, requesting to be favoured with the views of Her Majesty's Government

* No. 132.

with reference to the proposed action of the French Government in regard to Tunisian finance, and, in reply, I beg to assure you that the points on which you more particularly seek for information shall be carefully considered.

I have, &c.
(Signed) GRANVILLE.

No. 132.

Mr. Lister to Messrs. MacNaught, Pearse, and Middleton.

Gentlemen,

Foreign Office, September 22, 1883.

WITH reference to the letter from this Office of the 16th August, I am directed by Earl Granville to acquaint you that a Report has now been received from Mr. White, Her Majesty's Chargé d'Affaires at Tangiers, respecting the alleged plunder at Erksheesh of property belonging to the Soos and North African Trading Company.

It appears from a communication addressed to Mr. White by the Moorish Government, that the effects left by Mr. Curtis at Erksheesh have been taken possession of by the Kaid or local Governor by order of the Sultan as contraband, an inventory, copy of which has been forwarded to Mr. White, having been duly made, and that two Moorish subjects employed by Mr. Curtis have been arrested and sent to prison at Morocco for being engaged in an illegal traffic.

I am to remind you that the Soos and North African Company have been repeatedly warned, both by this Office and by notices inserted in the public press, that trading proceedings on the Soos coast are in contravention of the laws of Morocco, and that if the Company persisted in carrying them on they would do so at their own risk and peril; and I am to call your special attention to the letter from this Office of the 12th December, 1881, in which the Company were warned "that they must not expect protection from Her Majesty's Government in the event of any measure being taken by the Sultan to prevent illegal trading along the coast under agreements with native Chiefs, who have no authority to enter into them."

I am to state that Lord Granville must, under these circumstances, decline to take any action on your representations.

I am, &c.
(Signed) T. V. LISTER.

No. 133.

Earl Granville to Mr. Reade.

(No. 16.)
Sir,

Foreign Office, September 24, 1883.

I HAVE received your despatch No. 41 of the 7th ultimo inclosing a Petition addressed to you by Michele Pisani and other members of the Maltese community at Tunis, having for its object, first, to disclaim any connection with a recent protest by the wife of Giovanni Mangano and others, against certain acts of the French authorities, and especially their proceedings in connection with her husband's treatment; and, second, to record the fact that the abrogation of foreign Consular jurisdiction in Tunis would, under the altered state of things, be favourably viewed by the petitioners.

You also inclose a copy,—and in your later despatch No. 43 the original,—of a letter to you signed by Mr. Pisani and others, explaining more fully their views, and at the same time recording their appreciation of your own services and those of your predecessors, with a view to the protection of their interests and those of the foreign community under British protection in Tunis.

I have now to observe, in reply to your remarks upon the documents in question, that I am of opinion that there is nothing objectionable either in the terms of the Memorial or of the letter addressed to you by Mr. Pisani and others, but that I regret, considering his official position, that he should have mixed himself up with any acts bearing upon subjects which are matters of negotiation with a foreign country, and without any previous communication with yourself as the Representative of Her Majesty's Government in Tunis.

I am, &c.
(Signed) GRANVILLE.

No. 134.

Earl Granville to Mr. Reade.

(No. 17.)

Sir,

Foreign Office, September 24, 1883.

I HAVE received your despatch No. 43 of the 21st ultimo, inclosing the original of Mr. Pisani's letter, of which, together with the Memorial to which it refers, the copy accompanied your despatch No. 41 of the 7th August.

In your present despatch you call attention to Mr. Pisani's name appearing, as a member of the Directing Committee and British Vice-Consul, on the tickets of a lottery which it appears has been got up in that Regency in support of certain charitable establishments.

I have, however, to observe that I can see nothing seriously objectionable in Mr. Pisani being concerned in a lottery set on foot for a charitable object; and which probably does not offend against any law of Tunis.

I am, &c.
(Signed) GRANVILLE.

No. 135.

Earl Granville to Mr. Reade.

(No. 18.)

Sir,

Foreign Office, September 24, 1883.

UPON receipt of your despatches No. 31 of the 16th June and No. 32 of the 19th June, reporting the forcible invasion by French citizens of a piece of ground at Tunis claimed by General Sid Hamida Benayad, a British-protected subject, although it was at the time in charge of a watchman placed there by the British Consulate General, and your inability to obtain redress from the French authorities, I lost no time in instructing Her Majesty's Ambassador at Paris to make such representations to the French Government as the nature of the case seemed to demand.

I now inclose, for your information, a copy of the reply which has been received from the French Government, and I have to request that you will favour me with any observations you may have to make upon it.*

I am, &c.
(Signed) GRANVILLE.

No. 136.

Earl Granville to Consul White.

(No. 43.)

Sir,

Foreign Office, September 25, 1883.

WITH reference to your despatch No. 81 of the 6th instant, I transmit to you herewith, for your information, copy of a despatch which I have addressed to Her Majesty's Chargé d'Affaires at Rome on the subject of the settlement of the differences between the Italian and Moorish Governments.†

I am, &c.
(Signed) GRANVILLE.

No. 137.

Mr. Plunkett to Earl Granville.—(Received September 26.)

(No. 650.)

My Lord,

Paris, September 25, 1883.

WITH reference to your Lordship's despatch No. 918 of the 22nd instant, I have the honour to inclose a copy of the note which I have addressed to the French Government renewing the request that an inquiry be instituted into the conduct of the French officer who wounded Giovanni Mangano, and communicating to them the observations of Her Majesty's Government with regard to the question of jurisdiction involved.

I have also stated that Her Majesty's Government consider it very desirable that

* Inclosure in No. 120.

† No. 129.

this question of jurisdiction should be placed on a satisfactory footing before any further action is taken by them with reference to the abandonment of their Consular jurisdiction in Tunis.

I have, &c.
(Signed) F. R. PLUNKETT.

Inclosure in No. 137.

Mr. Plunkett to M. Jules Ferry.

M. le Président du Conseil,

Paris, September 25, 1883.

I HAVE the honour to call your Excellency's attention to the note addressed by Lord Lyons to M. Challeml-Lacour on the 12th July last, relative to the case of the British subject, native of Malta, Giovanni Mangano, and to the Memorandum on the same subject which I had the honour of placing on the 25th July last in the hands of his Excellency, on which occasion M. Challeml-Lacour was so good as to inform me that there was no wish on the part of France to avoid inquiry into the matter, and that if such inquiry had not already been made steps should be taken to make one.

In consequence of the evidence furnished to Her Majesty's Government from which it appears that the French officer was not justified in wounding Mangano, and of the fact that the Maltese was liberated after having been a few days in custody, their not being sufficient evidence even to institute a prosecution, I have now, in compliance with instructions received from my Government, to renew the request that an inquiry may be instituted by the French Government into the conduct of their officer on this occasion.

At the same date I also informed M. Challeml-Lacour that the question of jurisdiction raised in this case was engaging the careful attention of Her Majesty's Government, and would form the subject of future correspondence, and I now have the honour to state that Her Majesty's Government have carefully considered the latter subject in its various bearings, and I beg to submit herewith their observations on this point.

It would appear that, in response to Mr. Reade's demand that Mangano should be handed over to Her Majesty's Consulate, the French authorities contended that the attack by the Maltese on a Captain attached to the French army constituted an offence committed in a foreign country against a person attached to an army occupying that country, and that, consequently, according to international law, the offender was subject to the jurisdiction of the military Tribunals of that army.

Her Majesty's Government are not prepared to dispute that, as a general rule of international law, an attack on an army of occupation, even although directed against its individual members, falls properly within the cognizance of the military Tribunals of that army.

But in the present case, the French Government have established a Protectorate over Tunis, intended to be of a permanent character, and the army is stationed there in support of their authority. A complete system of French judicature has been established in the Regency, and foreign Governments have been invited to waive their Consular jurisdiction in favour of the new Civil Tribunals.

Under these circumstances, Her Majesty's Government contend that the army has ceased to be an army of occupation in a foreign country within the ordinary sense of the term. But, apart from this, it appears to Her Majesty's Government that where an army remains in occupation after peace and order are restored in a country where foreigners enjoy the rights of extraterritoriality, as at present in Tunis, the military Tribunals can only properly claim cognizance of offences by a foreigner against a member of the army of occupation when the offence is an act of hostility to the member as such, namely, in his military capacity.

Her Majesty's Government admit that military jurisdiction is claimed and exercised for the safety of the army, and that individual assaults upon its individual members may endanger its safety; but, in their opinion, the military jurisdiction cannot on any sound principle be extended to the case of an offence against an individual member of the army, which does not constitute an act of hostility to the army, but arises out of some private quarrel or dispute.

On these grounds, Her Majesty's Government desire me to state to your Excellency that they cannot but maintain that the claim of Her Majesty's Consul to exclusive jurisdiction in the case was well founded. They cannot consider that the assault by Mangano was in any sense committed against the French officer in consequence of his being a soldier; it was the result of circumstances which would equally have affected private persons.

I have also the honour to point out to your Excellency that Her Majesty's Government consider it very desirable that this question of military jurisdiction should be placed on a satisfactory footing before any further action is taken by Her Majesty's Government with reference to the abandonment of their Consular jurisdiction in Tunis.

I have, &c.
(Signed) F. R. PLUNKETT.

No. 138.

Earl Granville to Mr. Reade.

(No. 19. Confidential.)

Sir,

I TRANSMIT to you herewith, for your information, copy of an instruction which I have addressed to Her Majesty's Minister at Paris upon the subject of General Benayad's claims against the Tunisian Government.*

I am, &c.
(Signed) GRANVILLE.

No. 139.

Earl Granville to Mr. Plunkett.

(No. 941.)

Sir,

YOUR despatch No. 650 of the 25th instant has been received, and I have to state to you that I approve the note which, in conformity with my instructions, you addressed to the French Government on the 25th instant relative to the case of the British subject, Giovanni Mangano, and to the right of jurisdiction claimed by Her Majesty's Agent and Consul-General.

I am, &c.
(Signed) GRANVILLE.

No. 140.

Mr. Plunkett to Earl Granville.—(Received September 29.)

(No. 659.)

My Lord,

IN compliance with the instructions contained in your Lordship's despatch No. 902 of the 19th instant, I called the attention of M. Jules Ferry, when I saw his Excellency at his weekly reception yesterday, to the long-pending claim of the British-protected subject, General Sid Hamida Benayad, against the Tunisian Government, and placing in his Excellency's hands a copy of the letter addressed on the 22nd ultimo by the French Chargé d'Affaires to Mr. Reade, I intimated that it was not possible for Her Majesty's Government to accept so summary a rejection by administrative decision of a serious claim which had for years been pressed by Her Majesty's Consul-General on the Government of Tunis.

I said that Her Majesty's Government considered this to be a proper case to be settled by arbitration, and they were willing it should be so disposed of. There could be no reason for objecting to such a course, and therefore I had been instructed to say that any Government would be glad to learn that the French Government were ready to agree to this mode of settling an important claim of such long standing.

I also handed to his Excellency copies of M. Pelletier's letter to Mr. Reade of the 25th ultimo, Mr. Reade's note to Baron d'Estournelles of the 27th ultimo, and of the private letter of Baron d'Estournelles of the 30th of July, all of which formed inclosures in Mr. Reade's despatch No. 45 of the 29th ultimo to your Lordship.

I entered cursorily into some of the reasons given in these documents why it was impossible to accept the letter of the French Chargé d'Affaires of the 22nd ultimo as a solution of the question, and I again expressed the opinion that this was a case which could not be settled properly otherwise than by arbitration.

M. Jules Ferry inquired whether the case had not better be referred to the new French Courts which would shortly be established?

* No. 125.

I replied that I regretted not being able to agree with him on this point. The question was one of long standing and of great importance to the claimant; it demanded an early solution, and was not one which could be referred to a Court which had as yet no jurisdiction in the matter. It was clearly one suitable for settlement by arbitration, and I did not think your Lordship would agree to accept any other mode of solution.

M. Jules Ferry, who took some notes of what I said, promised to think the matter over, and to let me have an answer later.

I have, &c.
(Signed) F. R. PLUNKETT.

No. 141.

Mr. Fraser to Earl Granville.—(Received October 1.)

(No. 215. Confidential.)

My Lord,

Rome, September 25, 1883.

IN the absence of M. Mancini, who is living at Naples and but seldom visits Rome, I have made to M. Peiroleri, verbally and very confidentially, the communication conveyed in your Lordship's despatch No. 206 of the 19th instant, namely, that Her Majesty's Government propose to defer the abandonment of their rights of Consular jurisdiction in Tunis until the outstanding claims of British subjects have been satisfactorily disposed of by arbitration.

M. Peiroleri promised to convey this message to M. Mancini in the same confidential manner. He said that a question had already arisen between the French and Italian Governments as to the conditions under which Italy might agree to a suspension of Consular jurisdiction; that Italy required the presence of a sufficient number of Italian assessors, in cases touching Italian subjects, to counterbalance the Judges of the French Tribunal; but that France was unwilling to admit them.

I have, &c.
(Signed) HUGH FRASER.

No. 142.

Consul Dupuis to Earl Granville.—(Received October 3.)

(No. 33.)

My Lord,

Teneriffe, September 18, 1883.

WITH reference to the correspondence I have had the honour to address to your Lordship on the subject of the projected occupation by Spain of Santa Cruz de Mar Pequeña, on the African coast opposite to the Islands, I beg now to inform your Lordship that after a prolonged absence of several months, the Spanish Commissioners for marking out the territory to be acquired returned to Teneriffe in the gun-boat "Ligera" on the 5th instant, without having effected their object, on the grounds that they could not ascertain the whereabouts of Santa Cruz de Mar Pequeña.

Meanwhile, the local papers, in referring to the affair, say that not only must the Spanish Government, after so much boastful display of power and expense, appear ridiculous in the eyes of Europe, but that the Sultan of Morocco has cleverly got the best of the bargain.

The "Ligera" has since returned to Spain, but I am unable to say whether the projected occupation has been definitely abandoned or not.

It may also interest your Lordship to know that Mr. Mackenzie, of the North-west African Company at Cape Juby, has just visited Santa Cruz de Mar Pequeña and examined the place, and finds that it is a port that cannot be of the slightest good to Spain or any other country; that there is a bar right across the entrance which would prevent any vessel, or, indeed, a boat, from passing.

He says there is an old castle about 27 feet square and 5 feet high, and that, judging from the appearance of the ruins, he would attach to it a much older date than the time of the Spanish possession. Not only, he further says, is the entrance to the port bad, but the port itself is full of sand-banks, many of them being dry at low water, and that the greatest portion is dry at all states of the tide.

I have, &c.
(Signed) J. HUTTON DUPUIS.

[1445]

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Memorandum communicated to Earl Granville by Count Nigra, October 3.

JURIDICTION À TUNIS.

L'AMBASSADE d'Italie à Londres a fait connaître en son temps au Foreign Office la communication faite par le Gouvernement Italien au Gouvernement Français relativement à la suspension de la juridiction Consulaire en Tunisie.

Le Gouvernement Français a fait une réponse à cette communication.

L'Ambassadeur d'Italie est chargé de communiquer cette réponse à Lord Granville, à titre de réciprocité, c'est-à-dire en priant sa Seigneurie de lui faire connaître la réponse du Gouvernement Français à la communication Anglaise sur le même sujet, si toutefois il n'y voit pas d'inconvénient.

Le 1^{er} Octobre, 1883.

Inclosure 1 in No. 143.

Aide-mémoire communicated by M. Mancini to the French Ambassador at Rome, July 18, 1883.

UN Décret de Son Altesse le Bey de Tunis, en date du 27 Djoumadi-el-Tani, 1300 (5 Mai, 1883), porte que la juridiction des Tribunaux créés, en Tunisie, d'après une Loi Française du 27 Mars, 1883, promulguée dans la Régence par Décret Beylical du 10 Djoumadi-el-Tani, 1300 (18 Avril, 1883), pourra être étendue aux nationaux des Puissances amies qui consentiraient à faire cesser de fonctionner leurs Tribunaux Consulaires.

Son Excellence M. l'Ambassadeur de France, se référant aux pourparlers antérieurs sur ce même sujet, a bien voulu, d'après les instructions de M. le Ministre des Affaires Étrangères de la République, insister pour obtenir ce consentement de la part du Gouvernement Italien.

Le Cabinet de Rome n'avait pas tardé à s'occuper de cette question grave et délicate.

La colonie Italienne en Tunisie mérite, par le nombre de ses membres et par l'importance de ses intérêts, toute la sollicitude du Gouvernement du Roi. C'est notre devoir de lui assurer les plus complètes garanties de sécurité et de bonne justice. Désirant atteindre ce but et témoigner en même temps, envers la France et son Gouvernement, de nos sentiments amicaux et de notre pleine confiance dans l'impartialité de la magistrature Française, nous nous étions, dès le commencement, déjà déclarés prêts, en principe, à entrer dans les vues du Cabinet de Paris. Nous nous étions seulement réservé d'étudier la formule pratique et les modalités de l'arrangement à intervenir, en vue de concilier notre adhésion avec la sauvegarde des droits et des légitimes intérêts de l'Italie en Tunisie.

Nous sommes aujourd'hui en mesure de déclarer que le Gouvernement du Roi est disposé, à la reprise des travaux Parlementaires, à demander aux Chambres l'autorisation de consentir en Tunisie, ainsi qu'on l'a fait en 1875 pour l'Égypte, à la suspension de l'exercice de la juridiction Consulaire découlant des Capitulations, coutumes, et Traités en vigueur, et au transfert de cette juridiction aux Tribunaux autorisés par le Décret Beylical du 5 Mai, 1883, dont les Jugements seront susceptibles d'exécution en Italie d'après l'Article 941 du Code de Procédure Civile.* Il doit, cependant, être bien entendu qu'on maintiendra, en faveur des nationaux Italiens et des autorités Consulaires en Tunisie, tous autres droits, facultés, et immunités garanties par les Capitulations, coutumes, et Conventions en vigueur, en admettant seulement, en ce qui concerne les simples particuliers, les restrictions nécessaires pour le libre exercice de la nouvelle juridiction. Il est, en outre, bien entendu que cette innovation en matière juridictionnelle ne sera faite dans la Régence envers les nationaux Italiens, qu'autant qu'elle serait également appliquée aux nationaux de tous les autres pays.

Convaincus, comme nous le sommes, que les deux Gouvernements sont également désireux de maintenir et de resserrer leurs rapports amicaux, et nous préoccupant par conséquent de l'éventualité où l'exercice de la nouvelle juridiction pourrait donner lieu, en Tunisie, à des dissentiments, nous estimons qu'il nous

* L'Article 941 du Code Italien de Procédure Civile reproduit la teneur de l'arrangement intervenu entre l'Italie et la France par la Déclaration du 11 Septembre, 1860.

convient d'énoncer, dès aujourd'hui, en toute loyauté et franchise, notre manière de voir sur les effets pratiques du nouveau régime à l'égard de quelques points qui pourraient à l'avenir soulever des doutes ou contestations.

1. Le Traité Italo-Tunisien du 8 Septembre, 1868, étant maintenu en vigueur, et son observation, de la part du Gouvernement du Bey étant garantie, la nouvelle magistrature territoriale en Tunisie, comme les Tribunaux du pays, appliquera, envers les nationaux Italiens, la législation Italienne aux matières énumérées aux deux derniers alinéas de l'Article XXII du dit Traité (statut personnel et de famille, successions, donations, et autres matières réservées par le droit international privé à la législation nationale de chaque étranger), ainsi qu'aux rapports de droit qui se seraient précédemment formés sous l'empire de lois Italiennes;

2. Dans les affaires pénales les trois Assesseurs étrangers adjoints au Tribunal appartiendront, pour les prévenus Italiens, à la nationalité Italienne.

3. L'application de la loi Italienne par les nouveaux Tribunaux pouvant être assez fréquente, l'intervention d'un Assesseur Italien, au moins avec voix consultative, nous paraîtrait également avantageuse dans les affaires civiles et commerciales. Il y a lieu d'insister, à cet égard, d'une manière spéciale pour les affaires commerciales, au sujet desquelles les différences sont sensibles entre les deux législations;

4. Un éclaircissement est nécessaire à l'égard du droit de grâce, les pièces communiquées n'indiquant pas par qui ce droit va être exercé au sujet des Arrêts rendus par les nouveaux Tribunaux;

5. Les avocats et avoués ("procuratori") exerçant actuellement leur profession auprès des Tribunaux Consulaires Italiens, en Tunisie, continueront d'être admis à l'exercer auprès des nouveaux Tribunaux. Sauf, bien entendu, les conditions de capacité individuelle, les nationaux Italiens seront, à l'avenir aussi, admis à l'exercice de ces professions, ainsi qu'aux emplois de greffe et d'ordre dans les nouveaux Tribunaux;

6. Les protégés Italiens sont, en matière juridictionnelle, assimilés aux nationaux Italiens;

7. Les privilèges et immunités dont les autorités Consulaires Italiennes dans la Régence jouissent en vertu des Capitulations, coutumes et Traités, sont expressément et intégralement maintenus, soit à l'égard de leurs personnes, soit à l'égard des résidences respectives. Les immunités dont les Capitulations et coutumes assurent la jouissance, en Tunisie, aux simples particuliers de nationalité étrangère, ne devront pas empêcher l'exécution des Jugements rendus, d'après la loi, par la nouvelle magistrature territoriale.

Inclosure 2 in No. 143.

Aide-mémoire communicated by the Marquis de Reversaux to the Italian Government, September 15, 1883.

LE Ministre des Affaires Étrangères de la République Française a reçu l'Aide-mémoire, remis le 18 Juillet dernier à M. Decrais par son Excellence le Ministre des Affaires Étrangères de Sa Majesté le Roi d'Italie. M. Challemel-Lacour a appris avec une réelle satisfaction que le Gouvernement du Roi se propose de présenter aux Chambres Italiennes, après les vacances Parlementaires, un Projet de Loi tendant à la substitution de la juridiction Française à celle des Consuls Italiens en Tunisie. Il se félicite d'une détermination qui, en facilitant au profit de tous la réorganisation judiciaire dans la Régence, ne peut que resserrer les relations amicales des deux Gouvernements. Pour prévenir tout malentendu ultérieur, M. Mancini a bien voulu faire connaître sa manière de voir "sur les effets pratiques du nouveau régime à l'égard de quelques points qui pourraient à l'avenir soulever des doutes ou des contestations." Ces observations ont fait, de la part du Gouvernement Français, l'objet d'une étude suivie dans l'esprit le plus conciliant et dont le résultat est consigné ci-après. Sur la plupart des points, le Gouvernement Italien constatera que l'accord est complet; sur les autres, M. Challemel-Lacour ne doute pas que M. Mancini n'apprécie les motifs qui ne permettent pas de modifier les dispositions du Décret du 14 Avril, 1883.

1. Le Traité du Bardo garantit le maintien des Conventions existantes entre la Tunisie et les Puissances étrangères. Il en résulte que le Traité Italo-Tunisien de 1868 a force de loi pour les Tribunaux Français institués dans la Régence, devant lesquels il pourra être utilement invoqué, pour toutes celles de ses dispositions qui n'ont pas trait à l'existence de la juridiction Consulaire Italienne.

2. Le Gouvernement Italien pense que, dans les affaires pénales concernant des prévenus Italiens, les trois Assesseurs étrangers, adjoints au Tribunal, devraient appartenir à la nationalité Italienne. Le Gouvernement Français comprend qu'en égard au grand nombre des sujets Italiens établis en Tunisie, le Gouvernement du Roi demande en leur faveur un pareil avantage, et il n'aurait pas d'objection à y consentir, si une pareille question pouvait être envisagée dans les seuls rapports de la France et de l'Italie, abstraction faite des autres Puissances. Mais si l'on venait à modifier en faveur des résidents Italiens la disposition susmentionnée du Décret du 14 Avril dernier, il serait difficile de ne pas appeler les autres États à bénéficier d'un traitement analogue. Or, la plupart de ceux-ci ont, en Tunisie, des Colonies trop peu nombreuses pour qu'il soit possible de dresser une liste suffisante de personnes en état de remplir des fonctions d'Assesseurs. Le Gouvernement Français se voit ainsi obligé de maintenir un régime commun, qui offre à tous les étrangers des garanties égales.

3. En ce qui concerne la présence d'un Assesseur Italien avec voix consultative dans les délibérations du Tribunal, où la loi Italienne pourra être invoquée, la même objection se présente. Il faut y ajouter un motif plus décisif encore: c'est que l'adjonction demandée par l'Italie serait une innovation sans précédent dans le système judiciaire de l'Italie comme dans celui de la France. Au surplus, ce n'est pas seulement en Tunisie que les Tribunaux Français sont appelés à tenir compte des lois étrangères, et la jurisprudence suivie en France est de nature à dissiper toute préoccupation sur la manière dont la loi Italienne sera, le cas échéant, appliquée par les Tribunaux de la Régence.

4. Les nouveaux Tribunaux institués en Tunisie étant Français et rattachés à la Cour d'Alger, il est évident que le droit de grâce sera exercé par le Président de la République.

5. Les fonctions d'avoué sont remplies auprès du Tribunal de Tunis, de même qu'en Algérie, par des défenseurs qui cumulent les rôles d'avoué et d'avocat. Parmi les défenseurs déjà nommés à Tunis, par Décret du Président de la République, figurent plusieurs Italiens, dont les noms ont été proposés par le Résident du Gouvernement Français, après entente officieuse avec le Consul-Général d'Italie. L'existence de ces défenseurs n'empêche pas qu'un barreau ouvert aux avocats de toute nationalité ne soit constitué à Tunis. Sur ce double point, pleine satisfaction est donc donnée au Gouvernement Royal dont les sujets sont placés sur le même pied que les Français eux-mêmes. Mais il n'en est pas de même des emplois de greffe et d'ordre qui sont remplis en France par des personnes faisant partie intégrante des Tribunaux. Par cela même que les Tribunaux de Tunis sont Français, les titulaires de ces emplois doivent appartenir à la nationalité Française.

6. Les personnes actuellement placées sous la protection de l'Italie seront traitées comme les Italiens.

7. Le Gouvernement Français ayant seulement demandé à l'Italie de supprimer sa juridiction Consulaire, il est évident qu'il ne sera porté aucune atteinte aux autres privilèges et avantages que les Traités et usages confèrent dans la Régence, tant aux autorités Consulaires Italiennes qu'aux sujets du Roi Humbert, en tant que ces privilèges et usages ne sont pas incompatibles avec l'existence de la nouvelle juridiction Française.

No. 144.

Earl Granville to Mr. Fraser.

(No. 219.)
Sir,

Foreign Office, October 3, 1883.

THE Italian Ambassador called upon me on the 1st instant, and said that the French Government had now replied to the communication addressed to them by the Government of Italy with regard to the suspension of Consular jurisdiction in Tunis.

The Italian Embassy, he continued, had at the time communicated to Her Majesty's Government a copy of the Italian Memorandum, and his Excellency was now instructed to deliver to me a copy of the French reply. I inclose a copy of it herewith.

Count Nigra said he was also instructed to ask me to communicate to him, if I saw no objection, the reply returned by the French Government to the note and Memorandum which I had addressed to them, and of which I had given copies to the Italian Chargé d'Affaires on the 23rd June last.

I have accordingly given Count Nigra to-day a copy of the Memorandum given to me by the French Chargé d'Affaires on the 20th July last, of which copy was inclosed in my despatch to you No. 194 of the 17th August.

I am, &c.
(Signed) GRANVILLE.

No. 145.

Sir J. Lee to Lord E. Fitzmaurice.—(Received October 5.)

My Lord,

54, Gresham Street, London, October 5, 1883.

WHEN last I had the honour of an interview, you requested me to keep you informed of the movements of the Spanish and Moorish expedition which had been dispatched to discover the long-lost port of St. Crux de Mar Pequena. I inclose copy of diary and extract from Manager's letter, dated Cape Juby, the 13th September, 1883. It will be seen that the expedition had been at our station, and had failed to land at any of the points indicated by the Moorish Government, the fact being that our port of Cape Juby is the only landing-place within 150 miles north and 300 miles south.

We are in possession of letters dated the 18th September, 1883, of a very interesting character, being, in fact, the diary of an expedition, consisting of five Europeans and forty Moors, which we sent to Porto Cansado, the supposed St. Crux de Mar. I shall send you in a few days a copy of this Report, with the plans and description of the country. We also have a Report of a visit to Sagia-el-Hamra and Dourah, about 70 miles east, where were discovered several old castles, one of which measured 150 feet square, walls 25 feet high, towers 40 feet high, situated in a fertile district, with an abundant supply of water, inhabited by a marauding tribe of Arabs, probably about 200 persons. As far as we know, this district has hitherto been unknown. In the past it has been generally supposed the Sahara was a vast waste of sand.

I am, &c.
(Signed) JOSEPH C. LEE.

Inclosure 1 in No. 145.

Extract from a Letter dated Cape Juby, September 13, 1883.

Spanish Expedition.—The diary will give you a very fair idea of the object of the expedition. I think it will fall through. I may say that I heard a report that, after leaving here, the Spaniards landed near Wadnoon. The boat was overturned in the surf, and the men thrown into the water. They were, however, able to reach the shore; what became of them afterwards is not known; some say that they were taken to Mogador. Some of the Commissioners while here stated that they saw the place where Mr. Curtis traded; that the Moors stole the few things he left behind him in the hut; that should Mr. Curtis attempt to land there again he was ordered to be shot or taken; that those who received goods on credit (which appears to have been the principal business done) were commanded by the Sultan not to pay anything.

Inclosure 2 in No. 145.

Extract from Diary Letter dated Cape Juby, September 13, 1883.

FROM what we could gather, the following are the facts connected with the visit of the "Ligera" to this port:—

The Spanish Government is desirous of taking possession of certain territory on the coast of Morocco, the situation of which does not seem to have been clearly defined. Spain wants to get possession of Agadir, which the Sultan is not disposed to give up, but wants them to take possession of Port Cansado. This place the Spaniards will not accept, for the obvious reason that it would be of no use to them, and, moreover, think it does not belong to him.

In order to convince the Sultan of the worthlessness of Port Cansado, the Spanish Government has sent the schooner "Ligera," Commander Ubaldo Perez Cossio, with a

Mission, consisting of Don Francisco Lozano Muñoz (Chairman of Council at Mogador), Don Pedro del Castillo Westerling (Commandant of Marine at the Islands), an engineer and other scientific gentlemen, and interpreters, together with a Commission of Moors and about forty soldiers, for the purpose of making a thorough examination of the place.

Starting from Tangier, they called at Mogador, thence to Agadir, where they landed, and proceeded by land to the River Axakka, but judging it unsafe to go further, they re-embarked on board the "Ligera," and came to Port Cansado, where they remained at anchor two days.

Finding it impossible to land on account of the heavy surf (the sea at Cape Juby being at the time nearly calm), they, at the request of the Moors, and to prove to them that they were desirous of doing all they could to make a proper examination of the place, came on here, with the object of proceeding thither by land, although they themselves did not like the undertaking, and were secretly resolved not to do it.

When Mr. Rissa went on board the "Ligera" he was informed of the object of their visit, and was asked by the Consul, in the presence of the Moors, if the journey were feasible, and if facilities for transit could be had; to which he replied that means of conveyance would be difficult to obtain, and in courteous language informed them that if they landed it would be without our permission, and entirely on their own responsibility. The subject was not referred to afterwards except incidentally. It appears they were to meet Kaïd Dahman (the Sheikh Mohammed Berook's brother) at Port Cansado.

The next day (the 28th) the captain and several Spanish gentlemen visited the castle, and expressed a desire to see the factory, which was granted, and our boats placed at their service. The Consul and another gentleman stayed two nights at the castle, and expressed their gratitude for the kindness they had met with.

The "Ligera" weighed anchor at 9 o'clock this morning (29th) with the intention of trying Port Cansado once more, although they do not like the business at all; but it was necessary to show the Moors that they were desirous of making every effort. They bought some wool and sheep.

No. 146.

Earl Granville to Viscount Lyons.

(No. 982.)

My Lord,

Foreign Office, October 9, 1883.

I HAVE to request that your Excellency will convey to Mr. Plunkett my approval of the language which he held to M. Jules Ferry, the President of the Council, upon the subject of General Benayad's claim against the Tunisian Government, as reported in his despatch to me No. 659 of the 27th ultimo.

I am, &c.

(Signed) GRANVILLE.

No. 147.

Sir J. Lee to Lord E. Fitzmaurice.—(Received October 10.)

My Lord,

Manchester, October 9, 1883.

I WROTE you on the 5th instant respecting the affairs of the North-west African Company of London and Cape Juby. I now inclose two papers for your information: one an account of a visit from Cape Juby to Port Cansado, the other on the discovery of the River Sagia-el-Hamra and the plains of Dourah. This country has been a sealed book for generations; no stranger has been allowed to land, and the maps possessed up to this time give but an imperfect idea of the country. The discovery of the mouth of the river cannot be kept secret very long; it is for our Government to decide if any steps are to be taken in the way of occupying the position. The Spaniards, Germans, and the French are on the look-out for a station on this coast. My Company are, I think, prepared to occupy the place if it be thought desirable; I think we are, however, entitled to some recognition, not openly for the present, but, in case of difficulty, an assurance of protection from the Government.

I must now leave the matter in the hands of your Lordship, and trust that the

interest you take in the extending of our commercial empire may induce you to give serious attention to the proposal I have laid before you.

Yours, &c.

(Signed) J. C. LEE.

P.S.—I inclose a translation of an article published in a Tangier paper.

J. C. L.

Inclosure 1 in No. 147.

Extract from a Report of a Visit of the Manager of the North-west African Company to Port Cansado (the St. Cruz de Mar Pequeña of the Spaniards), August 13, 1883.

LEFT Cape Juby the 13th August, 1883. Three Europeans and thirty Moors. Travelled 20 miles north; halted 12 P.M.; thermometer 81°. Next day started at 5 A.M. Sighted Port Cansado 12 P.M.; thermometer 82°; halted, pitched tents near sea-beach; water brackish; surf tremendous.

Third day Manager started with two Europeans and seven Moors for the port; along sand-hills very dangerous; had to walk and lead camels for two hours; dangerous quick-sands. Cleared sand; came on settlement of Moorish fishermen. Rode on to the Great Sebkha, or depression; had great difficulty in getting through; the camels sunk sometimes into deep mud, and we were tormented with thick clouds of mosquitos. The Great Sebkha formed in ancient times part of the port, but is now a depressed plain covered with salt. The banks rise to the height of 100 feet. The port was reached about 12 P.M. The castle, which was erected on the sandy beach outside the port, seems to have been at one time a place of considerable strength; what remains now is the tower, 27 feet square, walls 6 feet thick, 5 feet above sea-level. The tower is loopholed for defence; the loopholes are now just above sea-level; the edifice is built of solid masonry, the stones having been brought from the other side the port, where some are now as if ready for shipment. With the exception of this tower, the whole fabric has sunk beneath the sand. The aspect of the place was of the wildest description. Sheikh Dahman, the Sultan's Secretary, and his cousin visited the port last year, and made observations and inquiries. The mouth of the port was visited; tremendous breakers broke right across the entrance; the sea broke a long way out, rendering impossible for a vessel or boat in ordinary weather to pass out or into the port without risk of total loss.

The silting seems to have been going on for ages past. No doubt at one time it was an important port.

It is 70 miles from the North-west African Company's station of Cape Juby, and they have no fear of any competition from this port.

Inclosure 2 in No. 147.

Extract from a Report of a Visit to the Sagia-el-Hamra and Dourah, by the Manager of the North-west African Company of Cape Juby, September 5, 1883.

THE Moors have often spoken of the Sagia-el-Hamra, but none of our people have hitherto been allowed to visit it. They said it was a splendid valley, stretching far into the interior, affording abundant supply of food and water for themselves and cattle. The failure of the Spaniards and Sultan's people to drive us English away from the cape has given the Moors confidence, and they are now disposed to place reliance in the Company and ask for advice and information how to utilize the natural advantages of their country. The expedition was taken under the protection of the tribes.

The expedition started on the 5th September, forty persons mounted on camels, four being our own people. They proceeded down the coast south for seven hours, halted, and pitched tents near the sea-beach. Our schooner had been ordered to sail down the coast and to keep the expedition in sight. The weather being good, a boat was sent on shore for orders.

Started 6th September at 6 A.M., halting at a little bay, where the schooner communicated. Started again at 11 A.M., and halted in the afternoon at a place called Tafroul. When halted for the night schooner communicated. Water good. Started for the mouth of Sagia-el-Hamra on the 7th; pitched tents at 12 P.M., distance about

60 miles from Cape Juby. The country passed over was pretty level, covered with stunted bushes and a few herbs. The aspect of the country was now changed. "We found ourselves in a fertile valley about 6 miles broad, and extending far inland, the soil of the richest description to a great depth, and evidently an abundance of water to irrigate the land if in the hands of a civilized people. We found good pasture for our cattle. The whole place could be made productive with little labour. Although it has every attraction that the natives could wish, yet the whole country is desolate and abandoned to robbers, who pick up a precarious living on those who happen to come in their way. It is also the haunt of wild boars, wolves, and other ferocious beasts." The mouth was visited and examined; it was found to consist of large sand-hills, with channels between, through which the water of the river flowed in the rainy season, when all the hills became islands.

September 8.—"Saw the schooner out at sea. After some difficulty she landed a boat and supplied us with fish. I ordered her back to the cape."

September 9.—They started for the interior at 5:30 A.M., crossed the valley. On reaching the other side they saw great sand-hills; the Moors assured them, these crossed, there would be no more. The plain was 250 feet above the sea, as level as a board. At 9:45 they came on the Sagia-el-Hamra again, and pitched their tent under some trees. The heat was tremendous, 123° ther. at noon in the sun. "The Sagia-el-Hamra at the place where we now encamped assumed a different character altogether; perpendicular banks rose on each side to a height of 150 feet, and the channel was only about 3 miles broad; it was full of bushes, so thick as almost to impede our progress; haunted by a variety of wild animals. Down the middle of the channel flowed a stream of fresh water, of about a mile wide, which appeared to be gradually rising on account of the rains which were falling in the highlands in the east. The natives assured us that the waters rose some years to a great height; the appearance of the banks and the debris confirmed their statement; during such a season there would be a depth of 100 feet of water in the river, having a breadth of about 3 miles. I looked astonished at this immense river, the sight of which gave me very different ideas of the great desert; we were standing on the banks of a river which took its rise in the Atlas Mountains, running south, passing the commercial settlement of Teudorf, afterwards sweeping round to the west until it reached the Atlantic 60 miles south of Cape Juby. All that the land in the neighbourhood required was cultivation to render it fertile and productive; from this it would appear that the sterile appearance of the country was owing to the uncivilized state of its inhabitants. In the channel, amongst other trees, we found the date-palm; further up the river were large quantities of gum trees."

September 11.—At 5 A.M. they crossed the river and started for the cape; Mr. Mackenzie with ten Moors on fleet camels went in advance; they passed through a country ready for cultivation; at 11 A.M. they entered the low-lying plains of Dourah; the castles of Dourah were reached. They were amazed to find places of such strength in the hands of the Moors; there were two castles standing apart as if it were at the head of the plain to guard and protect the country; they saw men standing on one of the towers, and rode on prepared to fight; reached the gate of the castle, and demanded admittance; one of the party in the castle came out, and proved to be a friendly Chief known to the Company, so all went well. The castle was manned by only eight persons, who were a guard; the main body were out on some marauding excursion. The edifice was 150 feet square, walls 25 feet, towers 40 feet, in good repair; altogether a place of great strength.

The supply of water is abundant. The Chief wanted advice as to the irrigation of the country.

"I inquired who built the castles; they replied the tribe of Azurdeen, to whom they belonged; this warlike tribe claim to have Christian blood in their veins."

They slept in the castle, and left for the cape at 7:30 A.M. 12th September, passing through a fertile country; they reach a great "sebkha" or salt plain, 150 feet below the level; pitched their tent in a country which could be cultivated. On the 13th they started at 4:30 A.M., and reach the cape about 10 A.M., much pleased with the journey. The sand-hills only extend about 3 miles east of the cape; the country further on is said to be red earth, which only requires cultivation.

Article in the "*Al-Moghreb Al-Aksa*" of Tangier of September 23, 1883.

(Translation.)

IN an angry and somewhat threatening manner come some of our colleagues from Spain, commenting upon the conduct of the Sultan respecting the place in which the ancient Spanish factory of Santa Cruz la Pequeña was situated.

We who broach this important question have not yet failed; and in return for the kind critical reviews we now admire the silence of our humble publication, and even for assembling less distant from those places, and therefore obliged to correspond, and with more motive to the favour bestowed upon us.

Acceding pleasantly to this friendly desire, and breaking through our intention of not busying ourselves with this delicate subject until acquiring new and more positive dates, we come before all better prepared to record some deeds and negotiations which preceded the departure of the Spanish-Moorish Commission to the coasts of Sus and Guadnun in the middle of July. Of recent date, and known by everybody, are the reasons which the Consul of Mogador and President of the Spanish Commission alleged in order to reject the proposal of the Sultan on the object and form of making the Commission and carrying out Article VIII of the Treaty of Tetuan. Contrary to the letter and true sense of that compact, and abstracting the Act signed in Ifni on board the man-of-war "*Blasco de Garay*" in 1878 by another Commission (who, with the same objects in view, represented both Governments), the Moors now pretended, with the supposed compliance of the Spaniards and their Representative, that the new Commissioners should go direct and by sea from Mogador to Erzila Güider or Puerto Cansado, and that there, in the open desert, many leagues from the recognized limit of the sovereignty of the Sultan, the Spanish Commission should mark out the land for their establishment.

This proposal was rejected by the President of the Commission, who proposed, on the other hand, to make a minute examination, in order to be able to fix with certainty the spot for Mar Pequeña. The Sultan appeared in Tangier before the Plenipotentiaries of both Governments, and before whom the Spanish and Moorish Presidents also yielded. The Sultan knew beforehand that the upright character of the Consul in Mogador would favour the just claims of M. Lozano Muñoz, seeing his long residence in the country, and that from the new survey the unjust, besides unrealizable, proposals of the Sherifian Court would be seen.

In anticipation of commercial projects which in the future might be protected in the new factory, the Sultan then proposed, and got the consent, that his own commissioned engineers should study during the surveying of the places which might offer themselves as being suitable for new ports between the River Massa and Guadnun, and that whatever other place might be selected for a Spanish factory, with the exception of Erzila Güider, the same should be submitted to the judgment and approbation of both Governments.

The result of these studies and surveys is known to everybody. The Kabilas and tribes of Sus and Guadnun showed themselves (thanks to the efforts of the Consul in Mogador) obedient to the Sultan and thankful to Spain, notwithstanding the agreement that commercial ports should be opened on their coasts.

On Cid Mohamed-bin-Abdelá Arksis and Assacá's shores between the River Ifni will be the new ports, which should remedy to some extent the famine and poverty which those poor Kabilas suffer through their isolated condition and their independency of the Sherifian Court.

The Spanish claim for the fulfilment of the Wadras compact will be instantly (if wished by the Government of Madrid) attended by Morocco, conceding the possession of the land on the shores of the River Ifni recently marked by the Commission as a seat for the ancient tower of Garcia de Herrera.

The refusal of the Moorish Commissioners to give their immediate consent to the act of concession, confining themselves to informing the Sultan of what the Spaniards ultimately informed their Government, did not mean anything, nor did it render negotiations difficult, although everything was arranged and settled from the moment the Court of Fez had fixed upon the sandy deserts of Erzila Güider for its own convenience, and to attempt further delays.

The return of Consul Lozano Muñoz to Tangier will better serve to inform the Government of the result of the expedition, and to prepare them for the Sultan's reply, which the Moors are awaiting in Mogador. And only when both can work with complete

knowledge and liberty this old and apparently complicated question shall have ended well for the rights of Spain and for the commercial and political interests of the Sultan and his Kabilas, and for the noble and unceasing aspirations of the European nations, and to carry with their industry and riches, learning, well-being, and improvement to those savage tribes.

Is there in the meantime sufficient cause for these alarms and bitter censures against the Governments and Representatives of Spain and Morocco, which we pointed out at the commencement, and would not some of these appreciations be, at least, premature, seeing that one is still ignorant of the Sultan's reply, and consequently of what attitude the Government of Madrid will adopt?

No. 148.

Earl Granville to Mr. Reade.

(No. 20. Confidential.)

Sir,

Foreign Office, October 10, 1883.

WITH reference to your despatch No. 45 of the 29th August, I transmit to you herewith, for your confidential information, copy of a despatch from Her Majesty's Minister at Paris* reporting the steps which, in obedience to instructions, he has taken with a view to obtain the consent of the French Government to the settlement by arbitration of General Sid Hamida Benayad's claims against the Tunisian Government.

I am, &c.
(Signed) GRANVILLE.

No. 149.

The Law Officers of the Crown and Dr. Deane to Earl Granville.—(Received October 11.)

My Lord,

Royal Courts of Justice, October 10, 1883.

WE were honoured with your Lordship's commands signified in Sir Julian Pauncefote's letter of the 4th September last, stating that, by direction of the Secretary of State, he transmitted to us the accompanying papers which related to the establishment of French Tribunals in Tunis, under the Law of the 27th March last, and to the question of the abrogation of foreign Consular jurisdiction in that Regency, which the French Government were desirous should be assented to by foreign Governments, in order that foreigners should henceforward be amenable to the new jurisdiction.

That at p. 38 of the printed correspondence we would find the note from the French Chargé d'Affaires at this Court, dated the 10th May last, inclosing the various Laws, Decrees, &c., establishing the new Tribunals, and requesting Her Majesty's Government to waive the British Consular jurisdiction in their favour.

That Her Majesty's Government having decided to withdraw the jurisdiction of their Consular representative under certain conditions to be determined upon, it was thought desirable to consult the late Sir Francis Reilly upon the subject, and a Memorandum from him, stating his views upon various points upon which he was requested to report, would be found at p. 48 of the print.

That on the 20th June last your Lordship intimated to the French Ambassador that, subject to certain reservations and to explanations on sundry points on which further information was required by Her Majesty's Government, they would take the proper measures to relieve Her Majesty's Consular officers in the Regency of their judicial functions as soon as the other foreign Governments represented in Tunis had signified their willingness to adopt a similar course (p. 51). That in the meantime the papers on the subject were submitted to M. Treitt, the Legal Adviser to Her Majesty's Embassy at Paris, whose Report was given at p. 56 of the print, being Inclosure in Lord Lyons' despatch No. 414 of the 3rd July.

That the reply of the French Government to the inquiries put to them, as above stated, would be found at p. 60, and appeared to your Lordship to be, on the whole, satisfactory.

That there were, however, two points which appeared to your Lordship to give rise to objection—

1. The absence of a right of challenging assessors.

* No. 140.

2. The limitation of the right of foreign advocates to practise before the French Tribunals to those now practising there.

That as regarded the first point, Sir Julian Pauncefote was to refer us to the remarks of M. Treitt thereon; and as regarded the second point, Sir Julian was to observe that, in view of the large foreign community in Tunis, it would appear very desirable to press for the extension of that right to all duly qualified foreign advocates, under proper conditions and regulations.

That it further appeared to your Lordship that care must be taken to reserve every other right or privilege retained by any other nation, and notably by Italy, whose reservations, which were more extensive than those of Her Majesty's Government, would be found at p. 64.

That Sir Julian Pauncefote was to request that we would take the papers transmitted therewith into our consideration, and that we would favour your Lordship with our opinion as to whether the above reservations were desirable and sufficient, and with any general observations which we might have to offer on the general question.

In obedience to your Lordship's commands we have the honour to report—

That we think the above reservations are desirable, and that care should be taken to reserve every right or privilege retained by any other nation.

It will certainly be desirable to secure, if it be possible, that in the case of a trial of a British subject, one-half of the assessors should be British subjects, in conformity with the proposal made by Italy for the benefit of her subjects. But there would probably be considerable difficulty in France making this concession general to all nations, as it may be difficult to find a sufficient number of suitable assessors in the case of certain nationalities.

We have, &c.
(Signed) HENRY JAMES.
FARRER HERSCHELL.
J. PARKER DEANE.

No. 149*.

Messrs. McNaught, Pearse, and Middleton to Earl Granville.—(Received October 11.)

My Lord,

9, Crosby Square, London, October 10, 1883.

WE have the honour to address your Lordship upon the subject of your Lordship's letter of the 23rd September last, having reference to the Sûs question.

Her Majesty's Chargé d'Affaires at the Moorish Court could confirm that the Sheikhs of Ait-Baâmrân have for many years past been treated as perfectly independent Rulers of their districts, and have paid no tribute to the Sultan of Morocco, and were therefore at liberty to treat with foreign merchants; had the right to sell land, and that the purchased land became British property, British subjects residing thereon, and sundry goods and merchandize, British property, being warehoused upon it.

The plunder of our property, with the tacit or authorized consent, or by the express order, of the Moorish Government, was a most arbitrary and illegal proceeding; and we respectfully solicit your Lordship's strong recommendation to Her Majesty's Minister at the Court of the Sultan to urge the payment of the goods illegally seized and the restoration to liberty of our servants unjustly arrested, the Madrid Convention distinctly stating (Article II) that no servant of a British subject can be arrested except in cases of murder or violence.

Our servants' duty was simply to collect moneys outstanding for goods sold, and they were arrested in the exercise of their duty.

Your Lordship's well-known activity in protecting British interests wherever they are jeopardized is a guarantee to us that we may be permitted to expect that the Moorish Government will be made to recognize the seriousness of their illegal proceedings in the matter, and that justice will be done to us, and our claim settled in an honourable manner.

We remain, &c.
(Signed) MCNAUGHT, PEARSE, AND MIDDLETON,
Agents to the Sûs and North African Trading Company (Limited).

Messrs. McNaught, Pearse, and Middleton to Earl Granville.—(Received October 13.)

My Lord, 9, Crosby Square, London, October 12, 1883.
REFERRING to our letter of the 10th instant, addressed to your Lordship on the Sûs question, we now most respectfully beg your Lordship, in view of the Report recently received from Tangier, to instruct Her Majesty's Legation there to furnish Mr. W. McNaught with the necessary letters to lay our case before the Sultan of Morocco.

We remain, &c.
(Signed) McNAUGHT, PEARSE, AND MIDDLETON,
Agents to the Sûs and North African Trading Company (Limited).

No. 151.

Mr. Reade to Earl Granville.—(Received October 13, 2.15 P.M.)

(No. 21.)
(Telegraphic.) Tunis, October 13, 1883, 10.55 A.M.
MY cruise in Her Majesty's ship "Coquette" has terminated. The services of that vessel are no longer required by me.*

No. 152.

Mr. Reade to Earl Granville.—(Received October 17.)

(No. 49.)
My Lord, Tunis, October 13, 1883.
I HAVE the honour to report that I this day forwarded to your Lordship's Department a telegram announcing the termination of my voyage in Her Majesty's ship "Coquette," and informing your Lordship that I have no further need of that ship's services.

In making this announcement, and pending the completion of the work for which the above voyage was undertaken, I must beg to express my acknowledgments for the very courteous and effectual manner in which Commander Crowe and the officers under his command facilitated the objects of my mission.

I have, &c.
(Signed) THOS. F. READE.

No. 153.

Mr. Pace to Earl Granville.—(Received October 17.)

Excellence, Tunis, le 13 Octobre, 1883.
J'AI l'honneur de réclamer votre appui dans le fait suivant:
En Janvier 1882 MM. Zahkaf et Sellami, mandataires réguliers de la Ville de Sfax (Tunisie), soit des habitants de cette ville, se présentèrent chez moi, munis de pleins pouvoirs afin de me charger de leur procurer, si possible, à titre de prêt, une somme de 10,000,000 piastres Tunisiennes, montant de la contribution de guerre dont Sfax avait été frappée par les armes Françaises, et qui devaient être payée à bref délai.

Je m'abouchai immédiatement avec différentes personnes, entre autres MM. Tissot et Nevieux, ce dernier ancien Préfet de Constantine, alors en passage à Tunis; mais malgré l'échange de nombreuses lettres et télégrammes avec des capitalistes d'Europe ces démarches n'aboutirent à aucun résultat.

Quelques jours plus tard MM. Zahkaf et Sellami revinrent chez moi, désespérés, m'annonçant que le Général Logerot avait fait arrêter un certain nombre de Notables de Sfax et les détiendrait en otages jusqu'au jour du paiement de la contribution des 10,000,000 piastres; la position de ces otages, l'incertitude sur leur sort, les plongèrent dans les plus vives inquiétudes.

* This vessel had been placed at Mr. Reade's disposal to facilitate his inquiring into, and drawing up a Report on, the various claims of British or protected subjects against the Tunisian Government.

Dans ces circonstances je conseillai à ces messieurs de télégraphier immédiatement au Général Logerot—qui était alors à Sousse—pour le supplier d'accorder au paiement de cette contribution un délai. Le Général refusa. Après une longue délibération entre les mandataires de Sfax et moi, sur mon conseil il fut alors résolu d'aller solliciter l'intervention de son Excellence le Cardinal de Lavignerie, dans le but d'obtenir son appui auprès du Gouvernement Français. Son Éminence se trouvait à ce moment à la Marsa, et dès le lendemain matin je me rendis auprès d'elle, toujours accompagné des mandataires de Sfax. Après une longue conférence son Excellence le Cardinal nous accorda son concours, tant sur mes instances personnelles que sur celles de M. le banquier Pisani, que j'avais prié de bien vouloir me seconder dans cette occasion.

Durant cette conférence ce fut encore sur mon conseil qu'il fut résolu qu'une Pétition en langue Arabe serait adressée à son Éminence, qui à son tour la transmettrait au Gouvernement Français. Cette Pétition, après avoir exprimé tous les regrets qu'éprouvaient les habitants de Sfax, et la confession entière de leurs fautes, concluait en suppliant le Gouvernement Français de bien vouloir par clémence consentir à un délai de trois mois pour toucher la somme de 8,000,000 piastres et à accepter 2,000,000 piastres comptant.

Quelques jours après le délai a été accordé, et les habitants de Sfax ensuite de mes démarches payaient de leur bourse les 2,000,000 piastres; et à partir de ce moment je ne cessai de faire démarche sur démarche pour leur procurer les 8,000,000 piastres restant, mais grâce surtout à la crise financière qui sévissait à ce moment ensuite de la catastrophe de l'Union Générale, il me fut impossible de trouver des fonds.

Toujours accompagné des mandataires de Sfax, je tentai alors de nouvelles démarches auprès de son Éminence le Cardinal de Lavignerie, le suppliant de bien vouloir encore obtenir un nouveau délai de trois ans du Gouvernement Français pour le paiement des 8,000,000 piastres que devait encore la ville de Sfax. Je ne cessai jusqu'au mois d'Avril 1882 d'entretenir son Éminence de cette affaire, et même comme à cette date elle se trouvait à Paris, je lui adressai un rapport formel sur la position critique des Sfaxçais, rapport qui servit de base aux nombreux entretiens que le Cardinal de Lavignerie eut à cette époque avec M. de Freycinet, alors Président du Conseil des Ministres.

A cette époque M. l'Avocat Ghica, chargé de la même mission par MM. Zahkaf et Sellami, se trouvait à Paris, où il s'était rendu pour chercher à réaliser l'emprunt de 8,000,000 piastres.

M. Ghica avait pris l'engagement de procurer à ces messieurs les fonds nécessaires dans le délai de vingt et un jours. Ce ne fut que deux jours après l'expiration de la date fixée que M. Ghica revint à Tunis.

Dans cet interval j'étais informé par télégramme que le Gouvernement de la République avait pris en considération la demande des Sfaxçais. En pareille occurrence mon devoir était, dans l'intérêt de la ville de Sfax, de conseiller à MM. Zahkaf et Sellami de se libérer au plus tôt des obligations contractées avec M. Ghica, et d'attendre la décision du Gouvernement Français.

Quelques jours après son retour à Tunis l'Avocat Ghica fit appeler MM. Zahkaf et Sellami chez M. Cambon, Ministre Résident, et, en présence de ce dernier, il leur déclara que l'argent de l'emprunt était à leur disposition. Les mandataires de Sfax, suivant mon conseil, répondirent que le délai accordé à M. Ghica était expiré, et que par suite la convention passée entre les parties devait être considérée comme nulle et non avenue.

En même temps MM. Zahkaf et Sellami ont déclaré à M. Cambon que son Éminence le Cardinal de Lavignerie leur avait promis son intervention près le Président de la République Française pour obtenir à la ville de Sfax de faire le paiement entre la période de trois années, et que dans ces circonstances il serait prudent d'attendre la décision du Gouvernement Français.

M. Cambon, après quelques temps, se rendit à Paris. Enfin, par différentes lettres que je reçus de son Éminence dans les mois de Juin et Juillet de la même année, j'appris que le délai sollicité dans les formes que j'avais indiquées aux Sfaxçais serait accordé. Ce qui arriva en effet au moment où M. Cambon revenait de France.

Avant que je n'eus commencé les démarches avec son Éminence pour faire obtenir le délai des trois années, les dits mandataires, considérant que ce délai aurait délivré la ville de Sfax de l'obligation de faire l'emprunt des 8,000,000 (fr.) piastres, aux taux de 12 pour cent, et avec ma commission de 1½ pour cent au moins, leur avantage aurait été immense, considérant que j'avais à faire maintes démarches pour parvenir à obtenir ce délai, les Sieurs Zahkaf et Sellami se consultèrent avec leur constituants, et demandèrent l'autorisation de souscrire en ma faveur une obligation de 62,500 piastres, égal à 39,000 fr. environ. Les habitants de la ville de Sfax tinrent là-dessus un Conseil, et de

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commun accord ils autorisèrent leurs mandataires de stipuler en ma faveur la dite obligation. MM. Zahkaf et Sellami, pour être en règle, voulurent, avant de soussigner la dite obligation, conférer avec le Premier Ministre de Son Altesse le Bey, qui les autorisa verbalement à le faire. Alors ils se présentèrent chez moi, et me firent la suivante déclaration par écrit :—

“Louange à Dieu !

“En ce jour du Seigneur le 28 du mois de Mabia-ettani (correspondant au 18 Mars, 1882) de l'année 1299, il a été convenu entre Mohamed Mahmoud Zahkaf et Ali Sellami, représentants de la Ville de Sfax d'une part, et d'autre part, l'honorable Avocat Pace, que si ce dernier pourrait obtenir du Gouvernement Français un Décret accordant un délai aux premiers pour le paiement de la somme de 8,000,000 piastres Tunisiennes, montant de l'imposition de guerre, dont ils sont encore débiteurs et dont ils désireraient s'acquitter en payant le premier tiers pendant le courant d'Octobre de la présente année, le second tiers dans le courant du mois d'Octobre de l'année suivante, et le solde dans le courant du même mois un an plus tard ; à ces conditions les habitants de Sfax se reconnaîtront devoir au susdit honorable Avocat Pace, et à titre de rémunération pour les services par lui rendus aux prédis habitants, une somme de 62,500 piastres, que les habitants de Sfax lui paieront dix jours après la promulgation du dit Décret. D'autre part, M. l'Avocat Pace s'engage à n'adresser aucune réclamation, ni à nous, ni aux habitants de Sfax en sus de la susdite somme de 62,500 piastres, et à renoncer à tous droits sur cette somme dans le cas où il n'obtiendrait pas le Décret leur accordant la faculté d'effectuer en trois versements, et aux termes ci-dessus indiqués, le paiement du solde des impositions de guerre. Un double de la présente sera remis à chacun des deux parties pour s'en valoir comme de droit l'une vis-à-vis de l'autre.

“Ainsi fait à la date ci-dessus et affirmé.

(Signé)

“MOHAMED MAHMOUD, Notaire.

“HADJ ALI MOHAMED SELLAMI.”

Cette obligation repose donc toute entière sur la condition qui m'était imposée. Je dois encore ajouter que vers la fin du mois de Juillet 1882 le Général Mohamed Djellouli, alors Gouverneur de Sfax et actuellement Ministre de la Plume, me fit appeler un soir chez lui à Tunis ; me remercia de toutes les démarches que j'avais faites pour les habitants de Sfax, et il me dit que le jour même il avait écrit aux mandataires de m'expédier un acompte sur la somme qui m'était due ; en effet, au commencement du mois d'Août 1882, M. Mellouli, Sous-Gouverneur de Sfax, m'apporta une traite de 25,000 piastres, signée par les principaux habitants de Sfax, et payable le 30 Septembre, 1882. Qu'à cette dernière date, par suite d'un ordre émanant des autorités Françaises, cette traite ne me fut point payée, ce qui me cause un préjudice considérable, car j'avais escompté la dite traite. Les susdits mandataires étaient autorisés par les habitants de la Ville de Sfax et par leurs autorités compétentes, car comme plus haut j'ai eu l'honneur de vous le dire, la traite en question m'avait été remise par le Sous-Gouverneur de Sfax, qui du reste était présent chaque fois que MM. Zahkaf et Sellami venaient à mon bureau. Sur ces faits j'ai présenté dans le mois de Mars, année courante, à M. Cambon, une Pétition exposant les faits et lui demandant le paiement de la traite.

Le 20 Juin, 1883, M. Cambon fit connaître à l'Agent Consulaire de Sa Majesté Britannique (qui m'a prêté son appui dans cette circonstance) que c'était au Gouvernement Tunisien d'examiner ma créance contre la Ville de Sfax, et que j'étais invité à lui présenter le mémoire de mes frais et honoraires résultant des services que j'ai rendus à la dite ville. Le 6 Août écoulé j'ai fait connaître, en réexposant les faits, qu'il n'y avait pas lieu de ma part à présenter une note de frais et honoraires, mais bien à réclamer purement et simplement l'exécution d'une Convention conclue entre les représentants de la Ville de Sfax et moi. En réponse à cette dernière le Gouvernement Tunisien, dans le courant du mois de Septembre écoulé, a décidé définitivement que la dite obligation était nulle, car une ville ne peut contracter aucune obligation envers qui que ce soit sans en être autorisée par le Gouvernement de Son Altesse le Bey.

Cette réponse me fut notifiée à ma grande surprise, car si j'avais conclu une convention avec les mandataires de la Ville de Sfax, ceux-ci étaient en règle, vu les motifs que j'ai déjà eu l'honneur de vous exposer. J'ai porté à la connaissance de Mr. Reade, Consul-Général de Sa Majesté Britannique à Tunis, ce que le Gouvernement de Son Altesse le Bey m'avait communiqué. Il en fut vivement touché, mais il me dit ne pouvoir rien faire sans l'appui de Gouvernement de Sa Majesté Britannique.

Resumant, Milord, j'ai recours à votre Excellence, vous priant de faire valoir mes

droits, soit par un arbitrage, soit par le moyen que votre sagesse jugera plus à propos d'adopter dans cette circonstance.

Espérant que ma demande sera prise par vous en considération, j'ai, &c.

(Signé)

Avocat ACHILLE PACE, LL.D.,
Sujet Anglais.

No. 154.

Mr. Lister to Messrs. McNaught, Pearse, and Middleton.

Sir,

Foreign Office, October 18, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letters of the 10th and 12th instant, having reference to the seizure by the Moorish authorities in Sûs of property belonging to the Sûs and North African Trading Company, and to the imprisonment of some of their servants ; and, in reply, I am to refer you to the letter from this Office of the 22nd ultimo, and to state that Lord Granville regrets that, for the reasons therein explained, he is unable to alter his decision not to interfere on behalf of the Company.

I am, &c.

(Signed) T. V. LISTER.

No. 155.

Mr. Reade to Earl Granville.—(Received October 20, 8.30 P.M.)

(No. 22.)

(Telegraphic.)

Tunis, October 20, 1883, 4.50 P.M.

FRENCH military authorities yesterday forcibly occupied piece of ground belonging to General Benayad adjoining plot taken by Mr. Machak [?], as reported in my despatch No. 32 of the 19th of last June, notwithstanding presence of watchman placed there by this Consulate. Although encouraged by M. Cambon in the hope that this difficulty would be amicably arranged, I am disappointed. French sentry continues in possession. I respectfully suggest that French Government be moved to order withdrawal of soldier pending settlement of Machak [?] case. My observations on Ferry communication inclosed in your Lordship's despatch No. 18 of the 24th September have been retarded unavoidably. I confirm, however, all that is conveyed in the former Report No. 32.

No. 156.

Earl Granville to Sir J. Drummond Hay.

(No. 45.)

Sir,

Foreign Office, October 20, 1883.

I TRANSMIT to you herewith, for your information, copies of two letters from the Chairman of the North-west African Company respecting the movements of the Spanish and Moorish expedition to discover the site of St. Crux de Mar Pequeña, and inclosing notes of exploring trips made from Cape Juby.*

I am, &c.

(Signed) GRANVILLE.

No. 157.

Mr. Reade to Earl Granville.—(Received October 21.)

(No. 23.)

(Telegraphic.)

Tunis, October 21, 1883.

SINCE transmission of my telegram No. 22 of yesterday, French authorities have withdrawn sentry from Benayad's ground.

F. O. 403 25

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Earl Granville to Mr. Reade.

(No. 21.)

Sir,

Foreign Office, October 23, 1883.

I TRANSMIT to you herewith, in original, to be returned to this Office, a letter from Mr. Achille Pace, who, as a protected British subject, claims the intervention of Her Majesty's Government in support of a claim which he advances against the town of Sfax for services rendered in connection with the postponement of the payment of the war indemnity imposed by the French upon that town.*

I have to request that you will inform Mr. Pace that the case is not one which, in Lord Granville's opinion, justifies the intervention of Her Majesty's Government.

I am, &c.
(Signed) GRANVILLE.

No. 159.

Viscount Lyons to Earl Granville.—(Received October 24.)

(No. 723.)

My Lord,

Paris, October 22, 1883.

WITH reference to your Lordship's despatch No. 941 of the 28th ultimo, and to previous correspondence respecting the case of the Maltese, Giovanni Mangano, who was wounded by a French officer at Tunis, I have the honour to transmit to your Lordship copies of a note and inclosure on the subject which I have received from M. Challemel-Lacour.

With regard to the request of Her Majesty's Government, that an inquiry might be instituted into the conduct of the officer, it is stated in the note that an inquiry was, in fact, instituted at the time, and that if the result of it was not communicated to Her Majesty's Government, this arose from the belief that the release of Mangano had put an end to the question. The inclosure in the present note is a copy of a Report, dated on the day following the occurrence.

It is still positively maintained that the case came properly under French military jurisdiction.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 159.

M. Challemel-Lacour to Viscount Lyons.

M. l'Ambassadeur,

Paris, le 19 Octobre, 1883.

PAR une communication du 25 Septembre dernier, Mr. Plunkett a rappelé à notre attention l'affaire du Maltais Mangano, en insistant sur la demande d'enquête qu'il avait présentée au mois de Juillet. En même temps, M. le Ministre d'Angleterre a exposé les motifs sur lesquels le Gouvernement de Sa Majesté Britannique croit pouvoir s'appuyer pour soutenir que notre armée d'occupation en Tunisie n'aurait pas compétence pour connaître d'une infraction de la nature de celle qui a été imputée au Sieur Mangano.

A la suite de l'incident du 8 Juillet, l'autorité Française compétente n'avait pas manqué de faire procéder à une enquête. Si les résultats n'en ont pas été communiqués plus tôt à votre Excellence, c'est qu'on avait cru pouvoir regarder cette affaire comme définitivement close par la mesure d'indulgence qui était intervenue en faveur du prévenu. Le Rapport dont vous trouverez ci-joint copie constate que le Capitaine Nicolas n'a déguiné et frappé le Sieur Mangano à la tête d'un coup de plat de sabre qu'au moment où il était menacé lui-même par ce dernier. L'officier Français se trouvait donc en état de légitime défense. Dans la scène provoquée par les violences du Maltais, aucune provocation n'est venue du Capitaine Nicolas, tenu pour un officier distingué, dont le caractère est apprécié de tous à Tunis et ne doit pas être ignoré de M. le Consul-Général d'Angleterre lui-même. Quant au Sieur Mangano, il a été mis, le jour même, à la disposition de l'autorité militaire; mais après une première instruction, le Général Commandant la Division a pensé qu'il pourrait user du droit qu'il tenait de l'Article 99 du Code de Justice

* No. 153.

Militaire, en arrêtant la poursuite par un refus d'informer. Cette mesure bienveillante terminait le procès dans les conditions les plus favorables au prévenu.

En ce qui touche la question de compétence, le Gouvernement de Sa Majesté Britannique est d'accord avec nous pour reconnaître que d'après les principes du droit international, une attaque contre une armée d'occupation ou contre des membres de cette armée relève des Tribunaux Militaires. Mais il estime qu'en raison même du Protectorat permanent que nous avons dû établir sur la Tunisie, notre corps expéditionnaire aurait cessé d'être une armée d'occupation dans le sens ordinaire du mot; il lui paraît, en outre, que la juridiction militaire ne serait pas fondée, dans l'état des choses, à évoquer la connaissance d'une infraction commise par un étranger contre un membre de l'armée lorsque cette infraction est la suite d'une querelle ou d'une dispute personnelle et qu'elle ne peut être considérée comme un acte d'hostilité dirigé contre l'armée elle-même ou contre un de ses membres en qualité de militaire. Sans doute l'ordre est aujourd'hui rétabli et la sécurité des résidents étrangers assurée dans la Régence; cependant la situation n'y est pas encore telle que les autorités Françaises, dans l'intérêt même des résidents étrangers, jugent le moment venu d'affaiblir l'action du corps expéditionnaire en modifiant le régime sous lequel il n'a cessé d'être maintenu depuis l'entrée en campagne. C'est encore une nécessité pour sa protection même aussi bien que pour celle des habitants du territoire de maintenir en sa faveur le principe de compétence extraordinaire, jusqu'au jour peu éloigné sans doute où la réorganisation plus avancée de l'Administration intérieure permettra, sans inconvénients, de replacer le pays sous l'application des règles de l'état de paix. Quant à la distinction indiquée par le Gouvernement Anglais entre les diverses catégories d'infractions qui peuvent être commises contre l'armée ou contre les membres de l'armée, il ne semble pas qu'elle soit applicable en pratique. D'une part, il serait difficile de déterminer à quels caractères on reconnaîtrait qu'un attentat a été dirigé non contre l'armée, mais seulement contre la personne d'un de ses membres. D'autre part, il est évident que tout attentat commis contre un des membres de l'armée, dans les conditions où elle se trouve en Tunisie, implique une atteinte à son autorité et à son prestige. La distinction proposée entraînerait donc une diminution du privilège reconnu par le droit des gens et en vertu duquel un corps d'occupation n'a pas à recourir à une justice étrangère pour obtenir réparation. Aussi n'a-t-elle jamais été, à notre connaissance du moins, admise par la jurisprudence, qui a consacré la compétence des Tribunaux Militaires pour la répression de tous les attentats commis contre les membres d'un corps d'occupation, sans faire état des circonstances ni des mobiles de l'attentat.

Ces explications suffiront, je l'espère, pour faire apprécier les motifs sur lesquels la juridiction militaire se serait fondée pour retenir le procès du Sieur Mangano, si la poursuite n'avait été arrêtée au début. La décision prise à l'égard du prévenu témoigne des dispositions que nous ne cessons d'apporter dans le règlement de toutes les affaires où des intérêts étrangers se trouvent engagés. Le Cabinet de Londres ne doit pas douter non plus que notre vif désir ne soit de presser dans la Régence le travail de réorganisation, et de placer tous les habitants du pays sous le régime du droit commun. Pour amener ce résultat, l'une des principales conditions est le fonctionnement d'une juridiction unique, chargée d'assurer la sécurité publique par l'application de la Loi Pénale, et près de laquelle tous les résidents, sans distinction de nationalité, soient certains de trouver bonne justice. Cette juridiction est aujourd'hui constituée par nos soins, et nous nous plaçons à espérer qu'après un nouvel examen, le Gouvernement de Sa Majesté Britannique ne voudra pas retarder plus longtemps l'établissement d'un ordre de choses plus régulier, en continuant à maintenir sa juridiction Consulaire.

Agréer, &c.
(Signé) CHALLEMEL-LACOUR.

Inclosure 2 in No. 159.

Report by Lieutenant-Colonel Alessandri.

HIER, 8 Juillet, vers 4 heures du soir, la foule se pressait autour de la gare Italienne; militaires et civils étaient confondus. L'un de ces derniers, le nommé Giovanni Mangano, charretier, sujet Maltais, demeurant à Tunis, pris de boisson, se faisait remarquer par sa mauvaise attitude, criant et bousculant tout le monde.

En ce moment se trouvaient près de lui les nommés Subey, Maréchal des Logis au 2^e Chasseurs d'Afrique, détaché à la compagnie de remonte, Jacques, Maréchal des Logis, Suzor, Brigadier Fourrier, et Mathez, Brigadier, Maréchal-Ferrant, tous trois appartenant à la compagnie de remonte, et quelques officiers, entre autres M. Nicolas, Capitaine détaché

[1445]

à l'État-Major-Général du corps d'occupation. Ce Capitaine, qui avait été plusieurs fois poussé par ce Maltais, l'engagea à faire attention, et comme ce dernier n'en tenait aucun compte, M. Nicolas perdant patience, l'écarta brusquement. Mangano prenant alors une attitude menaçante saisit la poignée du sabre du Sous-Officier Jacques et chercha à le désarmer, pour en frapper le Capitaine Nicolas. En présence de ce danger, ce dernier n'hésita pas; dégaina et frappa le Maltais d'un léger coup sur le côté droit du front.

M. Salbert, Sous-Lieutenant du Train, détaché à l'État-Major de l'Artillerie, qui avait été témoin de cette scène, saisit immédiatement Mangano, le tenant fortement par les deux poignets. En ce moment arrivaient trois militaires, les nommés Chaussy, cavalier de première classe au 4^e Chasseurs d'Afrique, Frauchon, Trompette au même régiment, et Ferrari, Trompette au 15^e Artillerie, qui, se trouvant au Café Marseillais, situé près de la gare Italienne, s'étaient empressés d'accourir au secours de leurs officiers. M. Salbert, dégagé du Maltais, leur donna l'ordre de le conduire à la Place, pendant que l'un deux, Ferrari, les devançant, alla prévenir la garde. Chaussy et Frauchon, laissés seuls avec ce Maltais, le conduisirent néanmoins durant une vingtaine de pas.

Pendant ce temps la foule s'accumulait, les cochers cherchaient à dégager leur camarade, Chaussy fut écarté du prisonnier. Frauchon, resté seul au milieu d'un grand rassemblement, ne fut plus maître du Maltais; il dut le lâcher à son tour et il se dirigea du côté du café qu'il venait de quitter. Mangano se retourna alors contre lui, donna à Frauchon un vigoureux coup de poing, le renversa par terre, et, s'emparant d'une pierre, lui en asséna plusieurs coups. Le cavalier Chaussy vint alors au secours de son camarade; les quatre militaires de la compagnie de remonte en firent autant, et enfin, la garde, arrivant sur ces entrefaites, put arrêter le Maltais Mangano et le conduire au poste de la division. Comme mesure de précaution, le Major de la Garnison donna l'ordre de le faire conduire à 3 heures du matin par la patrouille à la Caserne des Mouchettes où il a été écroué. La blessure qu'il a reçue au front est de 5 à 6 centim.; elle est peu profonde et ne présente aucun caractère de gravité.

Le Trompette Frauchon a deux blessures légères à la tête provenant des coups de pierre qu'il a reçus. Lui et ses deux camarades Chaussy et Ferrari étaient dans une bonne tenue.

Tunis, le 9 Juillet, 1883.

No. 160.

Sir R. Morier to Earl Granville.—(Received October)

(No. 163.)

My Lord,

Madrid, October 23, 1883.

THE newspapers stated yesterday that an official telegram had been received at the Ministry of State from the Spanish Representative at Tangiers, to the effect that the Sherifian Government had consented to make over to Spain the territory selected by the Spanish Commission at Ifni, for the fishing-station stipulated for in the VIIIth Article of the Treaty of Quad-ras.

I called at the Palace this day, and inquired of Señor Ruiz Gomez whether this statement was correct, and whether, if it were so, he had received anything beyond this telegram.

His Excellency stated that the statement was correct, but that he had as yet received no other communication from Señor Diosdato on the subject.

I then called his Excellency's attention to what appeared to me the very exaggerated language of the press on this question. With the one exception of the "Dia," whose tone was statesmanlike and wise, the whole of the journals at Madrid, and none more so than the "Norte" and "Progreso," both of them strongly ministerial in their politics, were shouting as if Spain had now obtained the right of founding a great Colony in the dominions of the Emperor of Morocco, and, amongst other projects, that of a general emigration of the Spaniards now in Algeria to the new Hispano-Moorish territory was talked of.

His Excellency replied by reading the VIIIth Article of the Treaty of Quad-ras, which stipulated that His Majesty the Sultan should cede in perpetuity to His Catholic Majesty "sufficient territory to form a fishing establishment" ("un establecimiento de pesqueria"), and assured me I could feel quite certain that he would never, so long as he was Minister, ask for anything but what was the strict Treaty right of Spain to demand. He had, as I was well aware, no taste for a policy of adventures, and Morocco would be the last place he would select for adventures. His policy in regard to that Empire, and he wished to take the earliest opportunity of placing it on official record, for

the information of Her Majesty's Government, was to maintain the *status quo* there, and to contribute by every means to the stability of the Sultan's Government. If others attacked Morocco, and sought to bring down the tottering edifice, he hoped Spain would not be alone in resisting such attempts, and he counted on the help of Her Majesty's Government in maintaining the authority of the Sultan and the independence of the country.

All he asked from Morocco in return was, that its Government should show due consideration and respect for that of His Catholic Majesty.

Respecting the cession at Ifni, which the Moorish Government were prepared to make, his Excellency said he would ask from the Cortes such means as were indispensably necessary for the establishment of a fishing station there, but strictly limit himself to this, and he pointed out the folly of the newspapers I had called his attention to in asking for a vast unproductive expenditure, at a moment when every farthing that could be got together was required for the internal development of Spain.

The great comfort of listening to language of this kind from Señor Ruiz Gomez is that the one prominent fact known respecting his Excellency is that he has, all through his political career, meant what he said and said what he meant.

I have, &c.

(Signed) R. B. D. MORIER.

No. 161.

M. Pace to Earl Granville.—(Received October 31.)

My Lord,

Sfax, October 12, 1883.

ON the unhappy occasion of the Mussulman insurrection in this city your petitioner suffered heavy and irreparable losses.

His son fell a victim to Arab atrocity. The void caused by the untimely loss of his beloved son could not be filled by friends.

The son who has perished was the actual prop and solace and the future hope of his aged parent, who is sunk in misery and injured in health by the reverses of life, who can find no refuge in resignation, as it finds no abode in his lacerated heart.

Under these circumstances, a Petition in proper form was presented to Mr. Reade, Her Britannic Majesty's Consul-General at Tunis, and was transmitted by him to Mr. G. Tryon, Commander of the "Monarch," and, both acknowledging the deplorable position of the petitioner, assured him that they would exercise their good offices with the Commission of Inquiry, and the latter decided that the case was one which concerned France.

The Undersigned petitioned the Count de Marquessac, Commander of the "Reine Blanche," who assured him that he would endeavour to obtain the sanction of the Minister, M. Roustan, to the grant of a sum from the war levies for the alleviation of the petitioner's distress and mitigation of his present affliction, and a proper Memorial asking for this was forwarded to the above-named Minister.

The Representative of the French Republic in Tunis has been changed, and no reply to the Petition has been given.

The Undersigned fervently begs and implores the attention of your Excellency to his case, and, confident that he will find that help for which his profound gratitude will be due, has the honour, &c.

(Signed) GIUSEPPE PACE.

No. 162.

Mr. Lee to Lord E. Fitzmaurice.—(Received November 2.)

My Lord,

56, Mosley Street, Manchester, October 31, 1883.

I HAVE to inform you that Mohammed Bairook, the head Chief of the district of Wadnook and Cape Juby, died on the 4th instant. It is yet undecided which of his brothers will succeed him, Dahman or Abedeen. We hope soon to have a conference with the principal tribes, and shall at once report the result.

Yours, &c.

(For North-west African Company),
(Signed) J. C. LEE.

(No. 24.)
(Telegraphic.)
Mr. Reade to Earl Granville.—(Received November 3, 10 P.M.)

Tunis, November 3, 1883, 5.50 P.M.
BY Decree of Bey, city of Tunis and sixteen other places, including Biserta, are declared military strongholds. This measure is taken without apparent cause, and may lead ere long to state of siege and military rule.
My colleagues of Spain and Italy have telegraphed to their respective Governments for instructions.

Sir J. Drummond Hay to Earl Granville.—(Received November 5.)
(No. 89. Confidential.)
My Lord,

Tangier, October 27, 1883.
I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 45 of the 20th instant, transmitting copies of letters from the Chairman of the North-west African Company respecting the movements of the Spanish and Moorish Expedition to discover the site of Santa Cruz de Mar Pequeña.

With reference to this subject I learn that the Sultan has offered to cede to the Spanish Government the site of Ifny,* as they had refused to accept the port of Cansado. I understand that in making the offer of Ifny the Sultan had explicitly declared that he had been justified in offering in the first place Cansado, as it is undoubtedly the ancient port of Santa Cruz de Mar Pequeña,† ceded in Article VIII of the Treaty of Peace between Spain and Morocco. The ruins of the Spanish fort and walled inclosure still exist. The Mar Pequeña, or Salt Lagoon, which formed the ancient port, is now blocked up by sand silted from the sea.

I think it is probable, from what I have learnt confidentially from my Spanish colleague, M. Diosdado, that Commissioners will be sent by the Spanish Government to report upon the site of Ifny, and to state whether any real benefit will accrue to Spanish interests from such an establishment.

Article VIII of the Treaty between Spain and Morocco distinctly stipulates that the cote to be ceded is solely for a "fishery." Even if the Sultan consents that Ifny be opened to trade—which I greatly doubt, as it is the intention of His Shereefian Majesty to open a commercial port at or near Ifny—there are no articles produced in Spain which the inhabitants of those districts will care to purchase, and there is no produce in Soos fitted for Spanish markets. The trade would be entirely with Great Britain and France.

The Spanish Government will have to incur a very heavy expenditure in building and fortifying a town and in maintaining a garrison. One or more ships of war will also be required on the station.

Ifny would hardly be a strategic point, like Ceuta or Melilla, and it is not improbable that the Spanish garrison would, sooner or later, be involved in hostilities with the warlike tribes of the Soos.

To point this out to the Spanish Government or to Spanish officials would probably be attributed to British jealousy, and encourage them to persevere in their ill-advised intention of occupying a site on the western coast of Morocco.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Earl Granville to Viscount Lyons.

(No. 1060.)
My Lord,

Foreign Office, November 7, 1883.
I TRANSMIT herewith, for your Excellency's observations, copy of a telegram from Her Majesty's Agent and Consul-General in Tunis,‡ reporting that the city of Tunis

* Lat. 23° N., long. 12° 50' W.

† This is confirmed by report of manager of North-west African Company of August 13, 1893. See inclosure in Lord Granville's despatch No. 45 of October 20, 1883.—J. H. D. H.

‡ No. 163.

and sixteen other places, including Biserta, have been declared military strongholds by Beylical Decree.

I am, &c.
(Signed) GRANVILLE.

Mr. Reade to Earl Granville.—(Received November 8.)

(No. 50.)
My Lord,

Tunis, October 23, 1883.
I HAVE the honour to acknowledge the receipt of Mr. Under-Secretary Lister's despatch No. 18 of the 24th ultimo relating to a late forcible invasion by French citizens of a piece of ground belonging to General Sid Hamida Benayad, a protected British subject, and inclosing, for such observations as I might have to make upon it, a copy of a letter from the French Government with reference to the same question.

Absence from this city, and a pressure of urgent business, has prevented me from replying earlier to the above despatch; but, as I have no reason to alter or modify the statements contained in my former Reports Nos. 31 and 32 of the 16th and 19th June, the observations I have now to offer will be little else than a confirmation of what I then had the honour to submit.

The remarkable inexactness of the information which appears to have been furnished to M. Jules Ferry renders it difficult for me to comment upon it in suitable terms.

I must, in the first place, demur to the matter being treated as though General Benayad and M. Maréchal stood in precisely the same position as rival claimants. The former's possession is of an ancient date, and continued uninterrupted up to the time of his forcible ejection by the French subjects. This possession was in no way interfered with by my placing a guard there to represent the British authorities, and prevent a breach of the peace, until the law-suit, which it was agreed should take place against General Benayad, were determined.

As everything, according to the local law, turns on possession, it is useless to now ask General Benayad to assume the rôle of plaintiff instead of that of defendant.

The alleged placing of two guards to represent both claimants is a manifest inaccuracy. (In my discussion with the Baron d'Estournelles on this point, and, as stated in my former Report, he certainly contended that, according to the arrangement come to, the guards were to represent the Consulates, and not, as he has informed M. Ferry, the parties claiming the property.) Guards employed on service of the kind referred to are always in this country taken from a class of Moroccans by application to their Chief, who furnishes the man required, and becomes responsible for his behaviour. If, therefore, one of these men was ever appointed to act for the French claimant in the present case, I would recommend that he be produced and identified. If so appointed, why was he taken away? Was it not his mission to prevent an outrage such as that perpetrated by M. Maréchal? and if, as alleged by M. Ferry, an understanding for the two nationalities to be represented on the ground was really come to, and the French guard for some time actually did duty there, how came it about that M. Maréchal experienced any difficulty in proving the existence of such an arrangement?

I say nothing of the strange imputation that I had withdrawn from an engagement formally, although only by word of mouth entered into, or of the persistence with which Baron d'Estournelles in the Report to his chief describes the guard who was on the ground at the time of the outrage as having been placed there by Benayad, and not by the Consulate, notwithstanding my affirmations to the contrary, affirmations which, I need scarcely add, are, if necessary, susceptible of easy proof.

M. Ferry speaks of the Baron d'Estournelles' disapproval of the action of the French subjects. These, on the other hand, assert loudly and publicly that they have all along enjoyed the full support of the Residency, and they have certainly acted as if this were the case.

I must also beg to observe that M. Ferry makes no distinction between the offence offered to this Office and the trespass on British ground, although the Procureur de la République (who was referred to at Baron d'Estournelles' own suggestion) did not fail to recognize the political features of the difficulty, and refused to have anything whatever to do with it.

The question as to the real proprietorship of the ground ought undoubtedly to have been submitted to the decision of the local Tribunal of the Sharā, but as, instead

of appealing to that Tribunal, M. Maréchal has resorted to a course of procedure which cannot, for obvious reasons, be tolerated, I respectfully venture, under the circumstances, to submit that the only possible solution of the difficulty is by reference of the matter to arbitration.

I have, &c.
(Signed) THOS. F. READE.

No. 167.

Mr. Reade to Earl Granville.—(Received November 8.)

(No. 51.)

My Lord,

Tunis, October 30, 1883.

AMONG the various cases of grievance which it will be my duty, by the next post, to submit to your Lordship's consideration, are those of the British mercantile community at Sfax, who complain that their business operations with the natives are interfered with by the local authorities, to their great prejudice, and in a manner which is not sanctioned either by Treaty or international usage. Having had occasion to bring the matter to the serious notice of the Tunisian Government, I beg respectfully to submit to your Lordship a copy of my despatch to M. Cambon, inclosing copies of a Report from Vice-Consul Leonardi and Memorial from some of the leading Maltese residents of the above town relatively to the same subject, and expressing a hope that a state of things which it is impossible to defend on political grounds may, in the interest of the whole community, be discontinued.

As stated in my communication to the French Minister, I have verified the accuracy of the statements of the complaining parties by personal inquiry on the spot. In the absence of the Caïd, or Governor, of Sfax—who fills the office of Keeper of the Bey's Seal, and has consequently his fixed residence in this city—the Khalifa, or Vice-Governor, discharges all the functions of the chief authority of that town; and with him I had a long and friendly discussion on the subject of the difficulties so generally complained of by the Maltese community. He did not deny the existence of those difficulties, but endeavoured to show that they were only temporary and unavoidable, in consequence of the necessity of collecting what he called the war tax, before enforcing payment of any other obligation. Regarding the policy or impolicy of the tax in question, I had, of course, nothing to say (although aware that the value of the whole property from which the said tax of 10 millions was being drawn is estimated at only 24,000,000 piastres!); but I told the Khalifa that, as we had nothing whatever to do with its imposition, I could not allow that the reason he had alleged was any justification for the non-settlement of debts contracted previously to the events in respect of which that impost is levied. I added that I was prepared, nevertheless, to encourage the extension of all possible facilities to native debtors, so that the difficulties of their situation may be lightened; and was glad to observe that the Maltese creditors were, generally speaking, animated with a corresponding disposition. Cases, I urged, where the sale of property involved ruinous consequences to the native proprietor would be treated with all the consideration to which they were entitled; but I had reason to know that a large portion of the amounts claimed were due from people in easy circumstances.

The aggregate amount of the Maltese claims does not exceed 500,000 piastres (about 12,500*l.*), and when it is furthermore considered that two-thirds at least of this sum could be paid without in any way affecting the settlement of the war tax, the vexatious and utterly unwarranted character of the official interference complained will be apparent.

The trade of Sfax, which consists chiefly of the importation of piece goods and colonial products, and exportation of olive oil and esparto grass, is almost entirely in the hands of the Maltese and other British subjects, and it is by them that the advances required for cultivation of the soil, collection of the crops, and other agricultural purposes, are principally made. The consequence is that the foreign subjects, who are in any way touched by the restrictive measures of the local authorities, are, with scarcely a single exception, Maltese.

Not content with the injury done in connection with transactions of the past, the Tunisian Government has not hesitated, through its local Representative, to inflict upon the whole community further losses in respect of present operations and future prospects, by interdicting the services of public notaries whenever required for the purpose of preparing or attesting any bond or agreement between Europeans and natives. This measure has not, it is true, been publicly announced, and may perhaps be denied. If so, I am assured there would be no difficulty in substantiating the allegation.

The IVth Article of the Anglo-Tunisian Treaty of 1875 commences with the words "There shall be reciprocal freedom of commerce," and at least one-half of the clauses of the same Convention refer in one way or another to the protection of mercantile interests. It will scarcely, therefore, be credited that, for some time past, the conduct of the Tunisian authorities at Sfax has been such as to lead to the belief that their aim is in an especial degree directed to the destruction of British trade. Efforts recently made to divert commercial operations from the ordinary to French channels have, however, signally failed, and shown that, in developing the resources of this country, the presence in it of the Maltese element has become an actual necessity. Of this, a further demonstration is furnished by the fact that not a single house of business of any consideration has followed the French armies into the Regency, or established itself here, during the already protracted duration of the military occupation.

Regarding the Amrawat Bey (which are referred to in the inclosures of this despatch as authorities, stamped with the Bey's seal, for sales of property to Maltese creditors), I may be permitted to remark that they were obtained by me after some considerable delay, and at a time when I had the advantage of applying to the Bey's Ministers without the intermediary of the French Representative.

The non-execution of such acts is contrary to all precedent and subversive of the Bey's authority.

Having stated the case of these Sfaxine claimants as fairly as I could, I leave it with confidence in your Lordship's hands.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 167.

Mr. Reade to M. Cambon.

Tunis, October 29, 1883.

Excellency,

I REGRET to have to place before your Excellency the inclosed copy of a despatch from the British Vice-Consul at Sfax and of a Memorial from British subjects under his jurisdiction, complaining of the great difficulties with which British subjects have to contend in the transaction of their business with the natives, and of the condition of inertness into which, so far as British subjects are concerned, the civil administration of that town has fallen.

Whether this state of things is attributable to any restriction of the powers which have until recently been vested in the office of Governor or Vice-Governor, your Excellency will know better than I do. It is, however, a fact, that for some time past the complaints of indifference or inattention on the part of the Vice-Governor to the appeals of British subjects for justice have become more accentuated and general.

The Vice-Consul's Report reached me on the eve of my voyage to ports on the east coast of this Regency, and I have since had an opportunity of personally verifying the circumstances to which he refers.

The disinclination on the part of the authorities to assist British subjects in the recovery of sums due to them from periods anterior to the late bombardment, and the unwarranted interference of those authorities with the business relations between British and Tunisian subjects—an interference which has resulted in consequences of a highly injurious nature to the trade and general interests of British subjects—are matter of public notoriety, and in an especial degree opposed to the stipulations of Treaty.

The reason adduced for this interference is that, without it, the difficulty in collecting the tax to which the native Sfaxine population have been subjected for their conduct on the occasion of the bombardment would to a certain extent be enhanced.

I need scarcely remark that, as British subjects are in no way accountable for the imposition of this tax, they have assuredly a right to be exempted from its operation or effect.

One of the subjects of very general complaint at Sfax is that the public notaries have, for some time past, been interdicted from drawing up or attesting any bond or agreement between foreign and Tunisian subjects. The consequence, as may easily be imagined, of this measure, has been to diminish very materially the ordinary business operations of the place.

The cases to which I have referred in the above remarks of British subjects being prevented from recovering the amounts of long-standing claims are numerous. As an example of these unsettled differences, I beg to inclose copies of two telegrams that have reached me within the last two or three days with reference to a case of a British subject,

named Pietro Ciantar, who, although in possession of an "Amar Bey" ordering the sale of a garden pledged to him in payment of a debt amounting to 2,600 piastres, and notwithstanding his being prepared to himself purchase the said garden for the full amount at which it has been estimated by the authorities, viz., 4,800 piastres, is prevented from recovering the money due to him by the Khalifa's refusal to sanction the sale.

I venture to hope that the Tunisian Government will see the necessity of putting an end to a state of things which, independently of all other considerations, is so manifestly injurious to commerce, and all its relations with the well-being and prosperity of this country.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 167.

Vice-Consul Leonardi to Mr. Reade.

(Translation.)

Sir,

Sfax, September 22, 1883.

I HAVE the honour to report that all the British merchants of this place complain to this Vice-Consulate of the Vice-Governor of the town, who, not only does not trouble himself about the settlement of differences between British merchants and natives, whether by amicable arrangement or judicial procedure, but also takes no notice of the claims that are put forward, and retards the proceedings until cases are ultimately abandoned.

This irregular procedure has given rise to repeated appeals from the whole body of merchants to the said Vice-Governor, and I have on several occasions assisted the efforts of the said merchants, without, however, any satisfactory result being achieved.

An impression has consequently obtained currency that such conduct on the part of the Vice-Governor is acquiesced in or even traced out by the higher functionaries of your place; and I therefore conclude it would be useless, if not actually unbecoming, in me to take further steps in the matter without your official support.

The claims to which I have referred relate only to credits that are secured by mortgages on landed property duly recorded in formal acts, and confirmed by "Amar Bey" authorizing the sale of the mortgaged property.

The excuses brought forward by the local authorities do not serve. They assert that landed property cannot be sold, as it is impossible, at the present moment, to realize a price corresponding with its value.

If it were necessary, cases can be pointed out in which British merchants have met with undue obstacles from the local authorities, even when the prices offered for property surpassed very considerably the value at which it was estimated by regularly authorized surveyors.

Moreover, the supposition to which I have above referred that the conduct of this Vice-Governor is traced out by the higher authorities of the capital is in some measure confirmed by what took place at a confidential interview between the said Vice-Governor and two British merchants. He declared that the citizens of Sfax were never so insubordinate as they are now; that he has no longer any influence or ascendancy over the natives, who already know that his powers or competency have been suppressed by order of the Supreme Government; and that it is therefore impossible for British subjects to count upon satisfactory judicial results. He concluded recommending them to appeal to the authorities at Tunis, and by so doing obtain some remedy for the present abnormal state of affairs, and bring to a termination a line of procedure as ambiguous and intolerable to himself as it is to the whole Colony.

I have, &c.
(Signed) G. LEONARDI.

Inclosure 3 in No. 167.

Memorial from British Subjects at Sfax.

(Translation.)

Sir,

Sfax, October 6, 1883.

IT is an unanimous protest that the undersigned British subjects are constrained to present to you. It is a cry of protest against the conduct pursued by the Governor of this town against their interests—conduct which, not being inspired by sentiments of

equity or justice, has produced a long series of losses to the international commerce of this town.

It is with regret that we make this statement, but it is nevertheless the truth.

With that loyalty which so much distinguishes you, you will be able to easily determine the extent and gravity of the losses resulting to the mercantile community from the great disasters which they had to lament in June and July 1881.

Now, as though such an event as that to which we refer were insufficient to render the commercial situation most dangerous and full of difficulty, the flagrant injustice of the local authority is added and extended to those who are creditors of the native population.

Everything tends to the belief that such procedure on the part of the Governor above mentioned is in accordance with the instructions he receives from the superior authority in Tunis.

The principal point complained of by the Undersigned is the opposition manifested to the sales of landed property hypothecated by native debtors, notwithstanding orders regularly given for such sales by "Amar Bey." (Decrees with the Bey's seal attached.)

The above-mentioned Governor has repeatedly declared that such landed property, under existing circumstances, would not illicit any offer equal to its intrinsic value. Many instances, however, show this view of the case to be erroneous, and it is a fact which may be legally sustained that, although the offers made had, on several occasions, exceeded the value at which the property was estimated by competent surveyors, obstacles on the part of the local authority have always been put forward and prevented the sale being effected.

The discontent of merchants on this account has consequently increased day by day, more especially as, after waiting for a long time with calmness, they see that the assurances of the Governor never come to any result.

Another circumstance of grave prejudice to the Undersigned is the inability of encashing the amounts due to them as interest on credits of long date, and this solely because the local authority will not summon natives to pay.

As a natural consequence, the unwillingness of the latter to pay increases in proportion with the disinclination of the said authority to enforce payment.

It is therefore hoped that, in the interest of justice, you will, as heretofore, firmly support the rights of British commerce, and insist that the conduct of the Governor may in future be more in accordance with the principles of justice.

The Undersigned have, &c.

(Signed) FELICE CARDONA.
(And 22 others)

No. 168.

Mr. Reade to Earl Granville.—(Received November 9.)

(No. 52.)

My Lord,

Tunis, November 1, 1883.

IN pursuance of the instruction conveyed in your Lordship's despatch No. 14 of the 5th September, I have the honour to herewith transmit the inclosed copy of memoranda or précis of questions between British subjects and the Tunisian Government which it has not been in my power to bring to a satisfactory conclusion. There are various others pending; but, as some of them are apparently on the point of settlement, while, with regard to the remainder, I do not altogether despair of a solution, I feel I should not be justified, at the present moment, in troubling your Lordship with a detailed statement or précis of these cases. Among the latter is a claim for indemnity put forward by Giovanni Mangano, for the ill-treatment to which he was subjected on the occasion of his late arrest and imprisonment by French military authorities. I have reason to believe that a negotiation which has for some time past been going on for an amicable settlement of this claim will terminate in the payment of a suitable indemnity.

In the list I have furnished of creditors at Sfax, I have omitted all mention of a case of British property seized and built upon by the French military authorities in that town, as, also in this case, I understand there is some probability of a friendly arrangement being arrived at.

Most of the claims pending at Susa and other parts of the Regency are for cattle and sheep stolen, and gardens and other property destroyed or spoliated by Arabs during the insurrection of 1881. Some of these are supported with documentary and other

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evidence, and will probably result in a favourable termination; but, where there is no such evidence or proof, the chances of the claimants are of course hopeless.

In connection with some of the cases described in the accompanying papers, correspondence has passed which it will be my duty to submit to your Lordship. Points have been raised which were never before entertained, and views expressed which I have been obliged to dissent from, as opposed to Treaty and international usage on the one hand, and dangerous to the peace and security of Her Majesty's subjects on the other. As an instance, I may state that M. Cambon has not hesitated to affirm that a leasehold tenement belonging to the Tunisian Government, but legally occupied by a British subject, may, at any time, be entered or visited by agents of the former, without any understanding being previously come to with the occupying tenant or his Consular authority.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 168.

Claims for Indemnity as to the Oued Zergha Massacres.

ON the 30th September, 1881, the Arabs attacked the railway station at Oued Zergha and killed several workmen and employés. Amongst them were four Maltese: Vincenzo Borg, Leonardi Scieluna, Pubblio Grech, and Giuseppe Farrugia. They had all either families or relatives dependent on them. These persons have presented many Petitions asking for an indemnity from the Tunisian Government. The principle of the compensation seems at one time to have been accorded, for the persons charged with the massacre before a court-martial were, in many cases, condemned to pay large money fines, with a view, it was said, of compensating the sufferers. Although two years have elapsed nothing has been done; and as late as the 20th September Mr. Broadley presented a Petition on behalf of the families of the deceased.

Inclosure 2 in No. 168.

Case of Giovanni Agins and the Tunisian Municipality.

GIOVANNI AGINS, some time ago, purchased a piece of ground from one, Ali Ben Sibi. Previously to the purchase the Municipality of Tunis had laid claim to the ground, but they were unsuccessful in a suit before the competent Tribunal, and Sibi's title was duly confirmed. Agins has been in undisturbed possession since his purchase. Notwithstanding this, on the 7th May, 1883, the Tunisian Minister of Public Works peremptorily ordered Agins not to build on his land. Agins protested, and invited the Municipality to attack him in the competent Tribunal. The Municipality declines to do so, but still arbitrarily prevents Agins from the enjoyment of the land.

Inclosure 3 in No. 168.

Case of General Benayad and the Tunis Municipality.

GENERAL BENAYAD is the lawful owner (furnished with authentic title-deeds) of certain plots of land in the City of Tunis, adjoining the tobacco dépôt. A guardian of the Consulate-General was in possession owing to certain claims being put forward by third parties to the land. The guardian in question was placed there with the assent of the French Consulate-General. In order to fix the boundaries of the ground, a trench, which formerly existed, was re-excavated by General Benayad. The Municipality, without any intervention of the British Consular authorities, entered arbitrarily on the ground, filled up the ditch, and otherwise interfered with rights of ownership. A complaint, forwarded in April last, regarding the treatment of General Benayad, and the slight offered to this Consulate-General, remained unanswered until the 23rd of the present month (October), when M. Cambon merely informed Mr. Reade that the original letter of complaint had been, in due time, communicated to the engineer in charge of the Public Works Department.

Inclosure 4 in No. 168.

Case of Mr. Levy, at Gabes.

MR. M. DE J. LEVY, a well-known merchant residing in London, and an extensive dealer in esparto grass, was, prior to July 1881, in possession and enjoyment of a store at Gabes, which was his freehold property. It was at that time leased to Mr. Tayar, of Malta, at a nominal rent of 80*l.* per annum, in order that the tenant should collect therein large quantities of esparto grass, which were consigned exclusively to Mr. de J. Levy, to sell in England on commission. This business brought Mr. Levy a profit of 2,000*l.* per annum. On the French troops occupying Gabes in July 1881, they immediately entered on Mr. Levy's property, and have remained in possession ever since. Mr. Levy made a demand for the just compensation for his loss. A discussion ensued, which, in April 1883, resulted in Mr. Levy's offering to accept 20,000 fr. for the store; 75,000 fr. for the land (15,000 square metres in extent); and 8,000 fr. for the two years' rent. This was rejected in contemptuous terms, the French military authorities calling on Mr. Levy to exhibit his title-deeds before coming to any agreement to purchase. On Mr. Levy declining to consent to this, the same authorities answered by a protest that they intended to acquire the land (now more than two years in their possession) by the municipal law, authorizing the taking up of land for public purposes, notwithstanding that this law provides that all proceedings under it must be taken prior to entering in possession! I believe that Mr. Levy has, through his legal adviser, Mr. Broadley, addressed detailed Memorials to the Foreign Office, accompanied by affidavits, with the object of showing that, according to the value which land has acquired at Gabes, and in view of the central situation of the property in question, his claim to compensation is not unreasonable.

Inclosure 5 in No. 168.

Case of Benatar against the Sons of Hadj Salah Ben Beshir-el-Abbasy, Tunisian Subjects.

BENATAR, about two years ago, purchased from the sons of Hadj Salah Ben Beshir-el-Abbasy a property in the neighbourhood of Matar, for which he paid the purchase money. Notwithstanding this, and although duly provided with legal title-deeds, he has for two years sought in vain to obtain an entry on the property and enjoy the rights of possession.

Inclosure 6 in No. 168.

Case of Camilleri at Porto Farina.

GIUSEPPE CAMILLERI, a Maltese, has been for some time in occupation of a magazine situate in the disused arsenal of Porto Farina. He left this magazine locked securely, and came to Tunis. During his absence three guardians of the tobacco monopoly, with the concurrence of the officer commanding at the place, forced open his store without the intervention of the British Consular authorities, and consequently in violation of the Anglo-Tunisian Treaty, in the alleged search of gunpowder and tobacco. They found none, but confiscated a quantity of salt and garlic, which they suspected Camilleri had bought in contraband. This assertion, however, turns out to be incorrect. I investigated this case upon the spot, and ascertained the *bona fides* of Camilleri's case. So far from compensating Camilleri for the unlawful perquisition committed to his prejudice, and notwithstanding my remonstrances, M. Cambon supports the action of the Porto Farina authorities, and the Tunisian Government still persists in retaining the key of the magazine, which contains, besides the salt and garlic, a quantity of potatoes belonging to the poor Maltese inhabitants of Porto Farina, who are actually prevented from sowing their crops.

Inclosure 7 in No. 168.

General Benayad's Complaint as to a Trespass on his Property at Jedeida.

ON the 19th July, 1883, the representative of the "Sadekia College," accompanied by two notaries and two surveyors, entered forcibly by a ditch into the General's property at

Jedeida, under the pretext of ascertaining the removal of certain olive trees. Although this proceeding is in direct violation of the Treaty between Great Britain and Tunis, no answer was vouchsafed to two formal letters of complaint on the subject until three months afterwards, when M. Cambon, replying on behalf of the Tunisian Government, declared that the conduct of the Sadekia agent was, under the circumstances, justified.

Inclosure 8 in No. 168.

Case of Joseph Benatar v. the Tunisian Government.

ABOUT four years ago Benatar, a British subject, purchased from General Kheiredine several lots of ground in the neighbourhood of Carthage. The Beylical Government subsequently took possession of a portion of the land, inclosed it with walls, and applied it to the use of a public cemetery. Benatar has a solemn attestation by the competent authorities that the land in question is his. He asks either for compensation, or that other lands of a similar value be granted him. His Petition has been pending since the end of 1882, but no satisfaction has been given him.

Inclosure 9 in No. 168.

BRITISH Subjects at Sfax having Claims against Tunisian Subjects which they are unable to get Liquidated.

Name of Creditor.	Amount of Claim.	
	Prs.	c.
A. A. Busutil and Farrugia..	..	26,105 12
Michele Busutil ..	..	1,793 08
Francesco Ellul ..	..	81,003 05
Pietro Debono di Carmelo ..	..	9,824 00
Gili and Loffreda ..	..	9,406 00
Simeoni Leonardi and Sons..	..	9,141 00
Metals, oil ..	72 00	
Giuseppe Spiteri ..	..	7,341 00
Luigi and Brothers Galea ..	..	3,611 04
Giovanni Psaila ..	..	9,794 12
J. T. Leadbetter ..	..	3,460 00
Lorenzo Vella ..	..	2,620 00
Paolo Ellul and Carmelo Farrugia ..	..	22,422 15
E. and C. Brothers Barbara..	..	39,045 07
Pietro Ciautar ..	..	19,004 08
Metals, oil ..	178 00	
Michele Vella ..	..	14,109 08
Cardona and Gili ..	..	59,582 07
Metals, oil ..	266 10	
Cardona and Seichel ..	..	38,542 00
Metals, oil ..	255 00	
Cardona and Gili ..	..	61,820 15
Oil metals ..	771 10	418,629 05
Various other claims, about..	..	15,420 00
		66,950 04
		500,000 00

An explanation with regard to the above claims and the circumstances under which the creditors have failed to obtain payment is given in Mr. Reade's despatch No. 51 of the 30th October, 1883.

Inclosure 10 in No. 168.

Claim of General Sid Hamida Benayad against the Tunisian Government.

THE branch of the Benayad family, of which General Sid Hamida is chief, has been for thirty-five years under British protection. General Sid Hamida is one of the most

respected Arab Chiefs of Tunis (and indeed of North Africa), and is perhaps the most important land-owner in the Regency of Tunis. In 1864 he was induced to enter into a series of commercial transactions with the Tunisian Government. The result of the account current which was opened between them showed, in 1869, a large balance due in favour of the General. It was in vain that he sought for a settlement; the Tunisian Government resorted to every possible means to obtain delay. The details of the claim itself, and of the negotiations which took place after its first presentation, have been minutely set forth in a "Mémoire" prepared by Sid Hamida's legal advisers. During the past two years Her Majesty's Agent and Consul-General has used every means to obtain that settlement of the accounts which had been in vain sought for by his predecessor. In the first place, he obtained the restitution of a number of the title-deeds of General Benayad which had been held in deposit by the Tunisian Government to meet the eventuality of the General being proved to be a debtor. It was thus admitted by the Government that nothing was due by Sid Hamida. Ever since the restitution of the deeds almost daily negotiations for a settlement have taken place. These negotiations have been carried on both directly with the Beylical Government and through the medium of the French Minister Resident, who has often categorically promised a solution of the claim. Under these circumstances, it is almost inexplicable that, on the 22nd August, 1883, M. d'Estournelles wrote to Her Majesty's Representative that the claim of Benayad could not be entertained on account of its being of a too remote date! General Benayad protests against this decision, and demands that his claim be settled by international arbitration—a course sanctioned by a long list of precedents in all cases of a similar nature.

Inclosure 11 in No. 168.

Invasion of the Property of General Benayad by French Subjects.

GENERAL BENAYAD has been, for nearly forty years, in possession of certain lands situated in the Marina quarter of the city of Tunis. He holds the title-deeds to the same, but, for some time, they were deposited in the archives of the Beylical Government, owing to a litigation which existed and still exists between the parties. After the Treaty of Ksar-es-Said it became expedient to reward several of the secret agents who had furthered the interests of France. Advantage was taken of the temporary deposit of General Benayad's title-deeds to enable the "Sadekia College" (a Government institution) to grant leases of the land to the persons in question at almost nominal rates. Unfortunately, however, for the recipients of these favours, the title-deeds were subsequently returned to General Benayad. The persons who had received grants of the land at a very increased rate of rent from the original grantees now began to agitate for possession, and sought to disturb General Benayad's legal enjoyment of the property. Her Majesty's Agent and Consul-General treated the matter with M. Challet, then French Consul-General, and M. Coinze, then French Judge. It was then decided that, as Benayad was undoubtedly defendant, the claimants under the new title must sue him in the local Tribunals within forty-eight hours, a watchman appointed by the British Consulate-General to remain, meantime, as custodian of the land in question. Things remained, as arranged, for several months, but, on the 14th June last, at 3 o'clock A.M., a band of workmen, headed by one Delsol, a French telegraph employé, and Maréchal, the French Agent of the Havas Company, forcibly invaded the land, and commenced to build a shed thereon, expelling, at the same time, the custodian named by the British Consulate-General. It was in vain urged on Baron d'Estournelles (then in charge of the French Residency) that Benayad was in possession, that he held the original title-deeds, and had, moreover, a Government survey confirming his rights. Since then the French claimants have remained tenants of the land thus unlawfully and forcibly acquired; have built a house thereon, and have never, in any way, condescended to appeal to the competent Courts.

Inclosure 12 in No. 168.

Index of Cases pending between British Subjects and the Tunisian Government accompanying Mr. Reade's Despatch No. 52 of November 1, 1883.

1. CLAIMS for indemnity in respect of the Oued Zergha massacres.
2. Giovanni Agins, a British subject, and the Tunisian Municipality.

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3. General Benayad and the Tunis Municipality.
4. Mr. Levy's case at Gabes.
5. Mr. Benatar, a British subject, against the sons of Hadj Salah Ben Beshir-el-Abbasy.
6. Case of Camilleri at Porto Farina.
7. General Benayad's complaint as to a trespass on his property at Jedeida.
8. Case of Mr. Joseph Benatar against the Tunisian Government.
9. British subjects at Sfax having claims against Tunisian subjects which they are unable to get liquidated.
10. The claim of General Benayad against the Tunisian Government.
11. Invasion of property of General Benayad by French subjects.

No. 169.

Viscount Lyons to Earl Granville.—(Received November 10.)

(No. 764.)

My Lord,

Paris, November 9, 1883.

WITH your despatch No. 1060 of the day before yesterday your Lordship has done me the honour to send to me for observations a copy of a telegram, dated the 3rd instant, in which Mr. Reade reports that the city of Tunis and sixteen other places, including Biserta, are declared by a Decree of the Bey military strongholds.

This measure has no doubt been taken with a view to assimilating the system in Tunis to that in force in France.

Mr. Reade's telegram does not say whether the Bey's Decree or any other legal enactments in the Regency prescribe special Regulations respecting places classified as "places de guerre."

The inclosed copies of a Decree which appeared in the "Journal Officiel" yesterday will show the special military Regulations applicable to such places in France.

I have marked in the margin a few of the more important passages. They occur in Articles, 1, 8, 66, 175, 190, 201, and 203.

I have, &c.
(Signed) LYONS.

Inclosure in No. 169.

Extract from the "Journal Officiel" of November 8, 1883.

Extracts from Decree of October 23, 1883.

ARTICLE 1^{er}. La dénomination de place de guerre s'applique aux villes fortifiées pourvues d'une simple enceinte ou d'une enceinte à forts détachés. Le Ministre de la Guerre détermine les ouvrages qui dépendent de la place.

La même dénomination s'applique aux forts isolés (forts, châteaux, citadelles, postes militaires).

Toute place de guerre est classée par une Loi.

Les places de guerre, relativement au commandement, au service, et à la police, sont :—

En état de paix, en état de guerre, ou en état de siège.

Définition de l'État de Paix.

Article 8. L'état de paix existe toutes les fois que la place n'est pas constituée en état de guerre ou de siège.

Maintien de l'Ordre Public.—Informations à Prendre.—Réquisitions.—Arrestations.

Article 66. En vue des éventualités qui peuvent se produire, les adresses du bureau de la place, du chef du génie, du commissaire de police du quartier, des médecins les plus voisins, des casernes ou postes les plus rapprochés, et celles des postes des sapeurs-pompier, et des agents de police, sont affichées dans le poste par les soins du major de la

garnison. Tout chef de poste, en arrivant au corps de garde, doit les réclamer si elles manquent.

Les chefs de poste ne doivent pas perdre de vue que la force armée est essentiellement protectrice de l'ordre public, des personnes, et de la propriété. En conséquence, ils prêtent main-forte pour l'arrestation des individus signalés comme délinquants et des perturbateurs de l'ordre, lorsqu'ils en sont requis par les officiers de police ou leurs agents. Dans aucun cas ils ne marchent eux-mêmes, et ne dégarnissent leur poste de plus de la moitié de sa force.

Ils doivent protéger toute personne dont la sûreté est menacée. Ils font arrêter, conformément à l'Article 106 du Code d'Instruction Criminelle, les individus poursuivis par la clameur publique ou surpris en flagrant délit.

Ils reçoivent tout individu qui est amené à leur poste par les agents de police. Ces agents doivent faire connaître le caractère public dont ils sont revêtus. Ils écrivent et signent leur réquisition sur le Rapport.

Toutes les fois que les chefs de poste ont été dans le cas de faire procéder à une arrestation sur l'avertissement ou la plainte d'un tiers, sans l'intervention d'un officier de police, ils prennent note des noms, professions, et demeures des plaignants, et en font mention dans leur Rapport.

Si un inconnu réclamait l'assistance de la garde pour faire arrêter une autre personne, en raison d'un dommage ou d'un délit qui ne serait pas apparent et bien constaté, le chef de poste les ferait conduire immédiatement l'un et l'autre devant le commissaire de police.

Tous les individus arrêtés sont conduits le plus tôt possible au bureau de la place s'ils sont militaires, ou devant le commissaire de police s'ils sont civils; le chef de poste fait connaître par écrit les motifs et toutes les circonstances des arrestations.

Quand le bureau de la place ou le bureau du commissaire de police sont fermés, les individus arrêtés pendant la nuit sont déposés au violon du poste, et ne peuvent communiquer avec qui que ce soit au dehors. Ils sont particulièrement surveillés et sont conduits, au point du jour, au bureau de la place ou chez le commissaire de police.

Les militaires et autres qui ont été arrêtés en état d'ivresse ne doivent être conduits soit au bureau de la place, soit chez le commissaire de police que lorsque leur ivresse a cessé.

Quand des rassemblements se sont formés à l'occasion d'une arrestation, et si, d'après les dispositions de la foule, le chef de poste juge que les personnes arrêtées ne peuvent être conduites avec sûreté par la force à ses ordres, il les fait garder au poste et en informe le major de la garnison.

Police Civile.

Article 175. La police civile est exercée dans les places de guerre et les villes de garnison par les fonctionnaires de l'ordre civil chargés de veiller au maintien de la tranquillité publique et à l'observation des lois et règlements de police. L'autorité militaire ne peut intervenir que lorsqu'elle est requise, dans les circonstances ou sous les conditions déterminées par le présent Règlement (Articles 176 et suivants).

Réciproquement, l'autorité civile ne peut s'immiscer dans les actes de la police militaire.

Les dispositions de police civile auxquelles la garnison doit se conformer sont communiquées officiellement au commandant d'armes, qui en donne connaissance aux troupes, les fait afficher, au besoin, dans les bâtiments militaires, après y avoir mis son visa, et s'assure qu'elles sont observées.

Les dispositions de police militaire dont l'observation s'étend aux habitants ou les intéressés sont communiquées par le commandant d'armes à l'autorité civile qui en informe le public.

Disposition Générale.

Article 190. Pour les places l'état de guerre résulte de la publication, dans la place, de l'ordre de mobilisation, ordonnée en vertu d'une Loi ou d'un Décret.

Le Gouverneur désigné ou son suppléant prend aussitôt le commandement effectif de la place, conformément aux dispositions du dernier paragraphe de l'Article 10, et dans les conditions spécifiées à l'Article 21.

Il est assisté dans ces fonctions par les officiers désignés à cet effet par le Ministre, et, à leur défaut, par des officiers choisis dans les conditions prévues au Chapitre VI, et pris dans la garnison normale de siège. Toutes les troupes qui ne font pas partie de cette garnison sont considérées comme étant de passage dans la place.

Il constitue et réunit le Comité de Surveillance des approvisionnements conformément à l'Article 213, et constitue le Conseil de Défense conformément à l'Article 211.

Le service et la police sont soumis aux mêmes règles générales que dans l'état de paix; toutefois, l'autorité civile ne peut rendre aucune Ordonnance de Police sans s'être entendue avec le Gouverneur ni refuser de prendre les Arrêts que celui-ci juge nécessaires à la sûreté de la place.

Le Gouverneur d'une place en état de guerre met à exécution les parties du projet de défense qui se rapportent à cette situation.

Il fait garder toutes les portes de terre et d'eau, ainsi que toutes les gares de chemins de fer, où il établit, s'il y a lieu, des postes spéciaux.

Comment l'État de Siège est déclaré.

Article 201. L'état de siège d'une place de guerre ou d'un poste militaire est déclaré par une Loi ou par un Décret, dans les circonstances prévues et sous les conditions édictées par la Loi du 3 Avril, 1878.

Dans les places de guerre et postes militaires, la déclaration de l'état de siège peut être faite par le commandant militaire, conformément à la Loi du 10 Juillet, 1791, et au Décret du 24 Décembre, 1811, dans les cas suivants:—

1. L'investissement de la place ou d'un poste par des troupes ennemies qui interceptent les communications du dehors en dedans et du dedans en dehors;
2. Attaque de vive force ou par surprise;
3. Sédition intérieure, de nature à compromettre la sécurité de la place;
4. Enfin, lorsque des rassemblements armés se sont formés dans un rayon de 10 kilom. sans l'autorisation des magistrats.

Le Ministre de la Guerre est immédiatement informé.

L'état de siège est levé, suivant le cas, par une Loi, par un Décret, ou par décision du commandant militaire, quand les circonstances qui l'ont fait déclarer ont cessé.

Autorité du Gouverneur.

Article 203. Aussitôt que l'état de siège est déclaré, les pouvoirs dont l'autorité civile était revêtue pour le maintien de l'ordre et de la police passent tout entiers à l'autorité militaire.

L'autorité civile continue néanmoins d'exercer ceux de ces pouvoirs dont l'autorité militaire ne l'a pas dessaisie.

No. 170.

Mr. Reade to Earl Granville.—(Received November 10, 7 P.M.)

(No. 25.)
(Telegraphic.)

Tunis, November 10, 1883, 3:30 P.M.

MICHELE PORTELLI alias Pai-pai-pai, a British subject, has been arrested by French military authorities, as having been concerned in drunken brawl in which two French soldiers were wounded several nights ago. French Minister has rejected my demand for delivery of the prisoner to charge of Her Majesty's Consulate-General.

Prisoner a helpless drunkard, partially idiotic, and not, in my opinion, physically capable of the assault of which he is accused. French soldiers, although armed, had bayonets taken from them. No clue to real assailants. Latter more probably Italians than Maltese.

No. 171.

Mr. Reade to Earl Granville.—(Received November 12, 8 A.M.)

(No. 26.)
(Telegraphic.)

Tunis, November 11, 1883, 10:15 P.M.

A BRITISH domicile was violated this evening by French military force, on plea of obtaining restoration of bayonet taken some nights ago from French soldiers. No bayonet found on premises. Serious questions between British subjects and local authorities of almost daily occurrence. I respectfully suggest that Her Majesty's ship "Condor" remain here to insure, if necessary, transmission of official correspondence.

No. 172.

Mr. Reade to Earl Granville.—(Received November 13.)

(No. 53.)

My Lord,

Tunis, November 1, 1883.

I HAVE the honour to report that Her Majesty's ship "Condor" arrived in this bay on the 28th ultimo, and relieved the "Coquette," which took her departure immediately afterwards for Malta.

Having stated in a former despatch that I have personally no further need of the services of a ship of war, it is unnecessary I should repeat that declaration now.

I must beg, nevertheless, to express my satisfaction at the "Condor's" arrival, being convinced—and never more so than at the present moment—of the salutary effect which the appearance of Her Majesty's ships in these waters never fails to produce.

I have, &c.

(Signed) THOS. F. READE.

No. 173.

Mr. Reade to Earl Granville.—(Received November 13.)

(No. 54.)

My Lord,

Tunis, November 6, 1883.

WITH reference to my telegram No. 24 of the 3rd instant, reporting the publication of a Beylical Decree which declares the city of Tunis and sixteen other towns or places in the Regency military posts or fortresses, I have the honour to transmit herewith a copy of the "Tunisian Official Gazette," in which that publication appears.

The uncalled-for character of this measure, and its seemingly questionable legality, have created an unfavourable impression on the minds of a large portion of the European population, who see in it a means for overriding, at no distant period, the jurisdiction clauses of international Treaties, and subjecting foreigners to the more stringent prescriptions of French military law.

Among the effects which, it is feared will result from the new order of things, is the expropriation of private property to a large extent, and without regard to the conditions which are laid down in the Anglo-Tunisian Convention of 1863.

I know not, my Lord, how far the above views may be worthy of your consideration, but trust I shall be pardoned even if, in giving expression to them, I shall appear to be discharging a superfluous duty.

I have, &c.

(Signed) THOS. F. READE.

Inclosure in No. 173.

Extract from the "Journal Officiel Tunisien" of November 1, 1883.

Décret du 17 Hidjé, 1300 (19 Octobre, 1883).

Article Unique.—Sont classés comme places de guerre et postes militaires les villes et ouvrages dont la nomenclature suit: Tunis, Bizerte, Béja, Le Kef, Camp de Souk-el-Djemaâ, Sousse, Sfax, Bordj de Mahdia, Caravansérail de Gilma, Redoute de Gabès, Redoute de Ras-el-Oued, Camp d'El-Aïcha, Caravansérail et Blokhaus de El-Hafay, Kasba et Camp de Gafsa, Camp de Feriana, Caravérail de Sidi Aïch, Kasba de Houmt-Souk.

No. 173*.

Margherita Galea to Earl Granville. (Received November 13.)

(Telegraphic.)

Tunis, November 12, 1883.

YESTERDAY my house has been invaded by about 40 armed soldiers; without any assistance on the part of British Consulate; being British subject. Please give orders your agent for satisfaction.

No. 174.

Earl Granville to Mr. Reade.

(No. 22.)

Sir,

Foreign Office, November 13, 1883.

I TRANSMIT to you herewith translation of a letter from M. Giuseppe Pace, calling attention to his losses through the Mussulman insurrection at Sfax.*

M. Pace appears to be the person mentioned at page 5 of the printed papers relating to the proceedings of the Sfax Indemnity Commission, copies of which were forwarded to you in my despatch No. 7 of the 2nd May, and I have to request that you will favour me with a Report upon the case.

I am, &c.
(Signed) GRANVILLE.

No. 175.

Earl Granville to Viscount Lyons.

(No. 1078A.)

My Lord,

Foreign Office, November 13, 1883.

IN conversation with me this afternoon M. Waddington pressed for our answer respecting the abandonment of the Capitulations in Tunis. He referred to the present intolerable state of things, which would disappear when the regular Tribunals were appointed.

His Excellency added that the Russian Government had made a formal complaint that they could not get justice done in the case of a Russian subject. He remarked on the late incident where soldiers had been stabbed by Maltese, many of whom were of the worst class of rowdies. He said it was impossible that the military should not take care of themselves in such circumstances.

I said that I was not yet prepared to discuss this incident, but the report which we had received by telegraph was unfavourable to the action taken by the French authorities. I trusted that all would be done on the part of the French Government to prevent these questions becoming matters of controversy.

M. Waddington said that was the wish of the French Government; but there were limits beyond which it was impossible to go when the safety of the soldiers was at stake.

I have, &c.
(Signed) GRANVILLE.

No. 175*.

Mr. Reade, No. 55, November 8, 1883.

[This will be found printed as an Appendix.]

No. 176.

Earl Granville to Mr. Reade.

(No. 23.)

Sir,

Foreign Office, November 15, 1883.

I TRANSMIT to you herewith copy of a telegram received from Margherita Galea at Tunis, complaining of the invasion of her house by French soldiers,† and if this is not the incident referred to in your telegram No. 26 of the 11th instant, I have to request that you will furnish me with a Report upon the case.

I am, &c.
(Signed) GRANVILLE.

No. 177.

Précis of Communications between the English and French Governments respecting the Establishment of French Tribunals in Tunis, and the proposed Abrogation of Foreign Consular Jurisdiction.

(For confidential communication to the Greek Minister.)

ON the 10th May last Count d'Aunay, the French Chargé d'Affaires, communicated in a *note verbale* the text of the French law establishing French jurisdiction in Tunis, and

* No. 161.

† No. 173*.

at the same time expressed the desire of the French Government that British subjects in the Regency should be in future amenable to the new jurisdiction in the same manner as French subjects and other foreigners were amenable to the jurisdiction of the British Courts in Cyprus, and to that of the Austro-Hungarian Courts in Bosnia and Herzegovina.

In reply, the French Ambassador was informed that Her Majesty's Government were quite disposed to waive the rights of this country under the Capitulations and Treaties to the extent which might be required to give full scope to the exercise of civil and criminal jurisdiction over British subjects by the New French Tribunals, but that they did not believe that it would be expedient to extend the change beyond what was required by the circumstances of the case, and that much stress was laid, for instance, on the maintenance of those privileges and immunities which are enjoyed by Consular officers in the East, and which partake of the character of those accorded to Diplomatic Agents in Europe.

Subject to these reserves, and to some further explanations (specified in the accompanying Memorandum) which M. Tissot was requested to furnish in regard to the precise meaning and effect of the French law and the regulations by which it was accompanied, it was intimated to the French Ambassador that Her Majesty's Government would have pleasure in taking the necessary steps with a view to acceding to the request of the French Government as soon as other foreign Governments represented in Tunis signified their willingness to adopt a similar course.*

It may be here observed that Her Majesty's Government have intimated to the Italian Government—with whom they have been in communication respecting this question—that their present inclination is not to go too much into details as regards the new order of things, but to reserve questions as they may arise to be decided according to the general formula which they have adopted.

The reply of the French Government to Lord Granville's request for explanations upon certain points was received on the 20th July, and a copy of it is annexed.

After careful consideration of the French proposals and explanations in communication with the Law Advisers of the Crown, Her Majesty's Government have returned an answer to the French Government to the following effect:—

Her Majesty's Government accept the explanations of the French Government as on the whole satisfactory, but there still remain some points as to which they consider that they are called upon to make reservations before surrendering British Consular jurisdiction in Tunis; but subject to the acquiescence of the French Government therein, they are prepared to abolish the British Consular jurisdiction in Tunis from the 1st January next.

These reservations are:—

1. The right of British subjects to challenge Assessors in the new Courts.
2. The admission of duly qualified British advocates to practise before the Courts, without this privilege being limited, as at present proposed, to those only who are now established in Tunis.
3. The extension to Great Britain of all privileges reserved to any other Power in connection with the new system of jurisdiction in Tunis.
4. The immediate settlement, by arbitration or otherwise, of outstanding claims of British subjects in Tunis.
5. The cesser of military jurisdiction over British subjects in cases cognizable by the civil Tribunals.

Foreign Office, November 16, 1883.

G. D.

No. 178.

Earl Granville to Viscount Lyons.

(No 1092.)

My Lord,

Foreign Office, November 16, 1883.

ON the 18th September last Mr. Plunkett, in his despatch No. 630, inclosed a copy of the answer returned by the French Government to your Excellency's representation respecting the forcible invasion by French citizens of a piece of ground at Tunis belonging to General Sid Hameida Benayad, which at the time was in the custody of a watchman placed there by the British Consulate. Baron d'Estournelles, as it appears, denied the official character of the watchman referred to, affirming that the custody of the ground was by verbal agreement, intrusted to two men, nominated by the parties interested, but

* Mr. Staveley's draft of proposed answer to Lord Delawarr's question in the House of Lords on the 24th July.

not appointed by the Consulates; that the French watchman, after a time, had ceased to continue this charge; and that M. Maréchal had thereupon, in order to support his assumed rights and not to compromise his case, considered that his best course was to take possession of the ground, the watchman appointed on General Benayad's behalf being accordingly expelled by M. Maréchal's workmen.

Baron d'Estournelles, whilst not attempting to defend the action of M. Maréchal in this matter, records his version of what had subsequently passed between himself and Mr. Reade, and his reasons for the conclusion at which he had arrived, that under the circumstances the only course was for the General to bring a civil action.

I have thought it desirable to refer to Mr. Reade, for his observations, the above reply of the French Government, and I now transmit to your Excellency a copy of his rejoinder.* From it your Excellency will perceive that whilst Mr. Reade adheres entirely to his original statements in regard to this transaction, he comments upon what he designates "the remarkable inexactness of the information which appears to have been furnished to M. Jules Ferry."

It is unfortunately the case that the statement of facts, as furnished by Mr. Reade, is entirely opposed to that of Baron d'Estournelles, whilst there is no documentary evidence to support either version.

I have now to request that your Excellency will address a representation to the French Government, pointing out the very unsatisfactory position in which this case stands, owing to the discrepancy in the evidence as regards the essential points under discussion; and your Excellency will observe that, as this is unfortunately the case, it appears useless to prolong the discussion as to the facts. It is, however, undeniable that General Benayad has long been the possessor of the piece of ground in question; that M. Maréchal is the aggressor, who has tried to dispossess him, and who is bound to prove his title as plaintiff before the competent Tribunal. That General Benayad is quite willing that the question should be so disposed of; or if not by these means, by arbitration.

In the meanwhile, it is clear that M. Maréchal's efforts to gain possession of the ground by force are illegal, and calculated to produce breaches of the peace, and it is hoped, therefore, that the French authorities will see their way to restrain him in all such proceedings pending the proper adjudication of the question, and that they will instruct Baron d'Estournelles to unite with Mr. Reade in their efforts to have the matter settled in one of the modes above indicated.

I am, &c.
(Signed) GRANVILLE.

No. 179.

Earl Granville to Viscount Lyons.

(No. 1093.)

My Lord,

Foreign Office, November 16, 1883.

I HAVE received your Excellency's despatch No. 723 of the 22nd ultimo, inclosing a copy of a note from M. Challeml-Lacour, accompanied by a Report furnished to the French Government respecting the case of the Maltese, Giovanni Mangano, who was wounded by a French officer at Tunis.

In the concluding portion of M. Challeml-Lacour's note, in which the question is argued of the competence of the Military Tribunals to deal with cases like that under discussion in the present state of French military occupation in Tunis, it is stated that the French Government are anxious to place every one "sous le régime du droit commun," whilst the hope is expressed that Her Majesty's Government will not retard this step by maintaining any longer British Consular jurisdiction in the Regency.

In a note which I have addressed to the French Ambassador respecting the French Tribunals in Tunis, of which I inclose a copy,† I have referred to the above passage, as indicating that upon the abandonment of British Consular jurisdiction in Tunis, and its transfer to the French Tribunals, the military jurisdiction asserted in such cases as the present will cease to be exercised over British subjects.

I am, &c.
(Signed) GRANVILLE.

* No. 166.

† No. 183.

No. 180.

Earl Granville to M. Waddington.

M. l'Ambassadeur,

Foreign Office, November 16, 1883.

ON the 20th July last Count d'Aunay was good enough to place in my hands a Memorandum, containing the reply of the French Government on the various points referred to in the Memorandum attached to my note to M. Tissot of the 20th June last, on which Her Majesty's Government desired further information, bearing upon the precise meaning and effect of the French Law of the 27th March last, establishing French jurisdiction in Tunis.

Her Majesty's Government have, in communication with the Law Officers of the Crown, attentively considered the additional information on this subject, which the French Government have been good enough to furnish, and whilst accepting these explanations as on the whole satisfactory, I have to request, M. l'Ambassadeur, that you will inform your Government that there still remain some points as to which Her Majesty's Government consider that they are called upon to make reservations before surrendering British Consular jurisdiction in Tunis; but that, subject to the acquiescence of the French Government therein, they are prepared to abolish the British Consular jurisdiction in Tunis from the 1st January next.

Those reservations are:—

1. The right of British subjects to challenge assessors in the new Courts.
2. The admission of duly qualified British advocates to practise before the Courts, without this privilege being limited, as at present proposed, to those only who are now established in Tunis.
3. The extension to Great Britain of all privileges reserved to any other Power in connection with the new system of jurisdiction in Tunis.
4. The immediate settlement by arbitration, or otherwise, of outstanding claims of British subjects in Tunis.
5. The cesser of military jurisdiction over British subjects in cases cognizable by the Civil Tribunals.

With regard to this last condition, I would observe that in a recent note from M. Challeml-Lacour to Lord Lyons, dated the 19th ultimo, and relating to the case of the Maltese, Mangano, it was stated that it was the earnest desire of the French Government "de placer tous les habitants du pays sous le régime du droit commun," and the hope was expressed that Her Majesty's Government would not, by maintaining their Consular jurisdiction, retard the establishment of a more regular order of things.

Her Majesty's Government trust, therefore, that the Government of the Republic will see its way to meet their wishes in the matters above mentioned, and on receipt of a communication from your Excellency to that effect, they will take immediate steps to carry out the arrangement at the date above proposed.

I have, &c.
(Signed) GRANVILLE.

No. 180*.

Earl Granville to Mr. Reade.

(No. 7.)

(Telegraphic.)

Foreign Office, November 19, 1883, 2-30 P.M.

YOUR No. 52.

Complete and send home list of all outstanding British claims, with report thereon.

No. 181.

M. Catalani to Earl Granville.—(Received November 20.)

(Private and Confidential.)

My Lord,

35, Queen's Gate, November 17, 1883.

M. MANCINI much desires to know whether your Lordship's attention has been called on the new Decree of the Bey of Tunis (in date of the 19th ultimo), by which some localities in Tunis are classified as "places de guerre et postes militaires;" and whether, in the opinion of Her Majesty's Government, the Decree is in keeping with existing Treaties.

[1445]

Moreover, it is surmised that foreign subjects residing in those "places de guerre" may eventually be submitted henceforth to military jurisdiction; and the Italian Government would much value to know whether your Lordship thinks that some explanations ought to be received from France on the subject, before agreeing definitively to the suspension of Consular jurisdiction.

In the absence of Count Nigra, I should feel much obliged to your Lordship if you would be good enough to enable me to give some information to M. Mancini on these matters.

I have, &c.
(Signed) T. CATALANI.

No. 182.

Earl Granville to Mr. Fraser.

(No. 262.)

Sir, *Foreign Office, November 20, 1883.*
WITH reference to my despatch No. 219 of the 3rd October, I transmit to you herewith, for your information, copy of a note which I have addressed to the French Ambassador at this Court,* informing him of the conditions upon which Her Majesty's Government will agree to abolish British Consular jurisdiction in Tunis from the 1st January next.

A copy of this note will be communicated confidentially to Count Nigra.

I am, &c.
(Signed) GRANVILLE.

No. 183.

Earl Granville to Viscount Lyons.

(No. 1111.)

My Lord, *Foreign Office, November 21, 1883.*
THE French Ambassador informed me to-day that he had been instructed to express the thanks of his Government for the note addressed to him on the 16th instant, agreeing to the abandonment of British Consular jurisdiction in Tunis from the 1st January next, subject to five reservations.

His Excellency stated that the French Government acceded to the 1st, 2nd, 3rd, and 5th reservations, though as regards the 1st and 2nd they had not yet decided how to carry them out; but that was a matter which only concerned them.

As regards the 4th reservation respecting the settlement of all outstanding claims by arbitration, they felt some difficulty, as in the case of Benayad (which his Excellency cited by way of illustration), in which the question in dispute related to title to land, which ought to be settled by the competent Tunisian Tribunal.

His Excellency asked to be furnished with a list of the British claims.

I am, &c.
(Signed) GRANVILLE.

No. 184.

Earl Granville to Sir P. Brailas Arméni.

(Private and Confidential.)

LORD GRANVILLE presents his compliments to Sir P. Brailas Arméni, and, in accordance with his promise, has the honour to transmit to him herewith a précis of the communications which have taken place between Her Majesty's Government and that of France respecting the establishment of French Tribunals in Tunis and the proposed abrogation of foreign Consular jurisdiction.

Foreign Office, November 21, 1883.

No. 185.

Earl Granville to Count Nigra.

(Private and Confidential.)

EARL GRANVILLE presents his compliments to Count Nigra, and has the honour to forward to his Excellency herewith, for his confidential information, copy of the reply

which has been returned to the French Ambassador,* specifying the conditions upon which Her Majesty's Government are prepared to surrender their rights of Consular jurisdiction in Tunis.

Foreign Office, November 21, 1883.

No. 186.

Mr. Reade to Earl Granville.—(Received November 22.)

(No. 56.)

My Lord,

Tunis, November 14, 1883.

I HAVE the honour to confirm and extend my telegrams Nos. 25 and 26 of the 10th and 11th instant, reporting the arrest and custody of a British subject by French military authorities, and subsequent violation by the same authorities of a British domicile.

The circumstances under which these proceedings took place are as follows:—

Some nights ago—I believe it was on the night of the 5th instant—a disturbance occurred in one of the most disreputable quarters of this city, in which two French soldiers appear to have been ill-treated and deprived of their side-arms or bayonets.

The soldiers came immediately to this Consulate, and asked for the arrest of a Maltese tavern-keeper, who, they said, lives close to the spot where they had been attacked, and must know the names of some of their assailants. They added that they were unable to indicate anybody else as likely to throw any light upon the affair. Their request was at once complied with, and, returning with them to the scene of the disturbance, a Janissary of the Consulate took the tavern-keeper into custody. This man was set at liberty on the following morning, with the acquiescence of the French soldiers themselves, and there being no reason adduced for his further detention.

On the same night, however, of the disturbance, and about three hours after its occurrence, a force of French gendarmes, accompanied by a native policeman, arrested a British subject named Michele Portelli, better known by the sobriquet "Paipai," whom they found hanging about the drinking-shops of that locality. This individual, although a half-witted idiot, and physically enervated by old and constant habits of intoxication, is, I understand, accused of having taken part in the fray, and held one of the before-mentioned soldiers while the latter was being attacked by two others with knives.

When taken into custody the prisoner was told by the native policeman who arrested him that he would be taken to the English Consulate, instead of which he was conducted to the French military quarters, where he has been detained in prison ever since.

I did not hear of the arrest until several days after its occurrence, when I immediately called upon M. Cambon, and, in the course of a friendly discussion, claimed the prisoner as a British subject, and therefore amenable to no other jurisdiction than that of my office. M. Cambon declared his inability to comply with my request without first referring to his Government for instructions, and a correspondence (of which a copy is herewith inclosed) ensued between us.

The subsequent violation of domicile was committed by an armed party, consisting of a French officer and some soldiers and gendarmes, who visited the premises of one Margherita Galea, a British subject, for the purpose of demanding restitution of a sword or bayonet belonging to a French soldier, which they believed to exist in those premises.

I may here remark that the premises in question, although bearing the sign of "Café de Milan," constitute at the same time a dwelling-place and shop for sale of wines and spirits.

From the Report (of which I beg to submit a copy) of the French Garrison Major, it would appear that the party who visited Margherita Galea's house was composed of only one officer and two soldiers, "en tenue du jour" (the meaning of which is that the soldiers did not carry muskets), and that they merely asked for the sword, which, considering the character of the establishment, they conceived they were justified in doing. Additional forces are admitted to have been in attendance, at the door or in the street in front of the house; but these, it is further stated, were a patrolling party which happened to be passing at the time, and stopped to see if their services were in any way required.

On the other hand, the sworn affidavits of Mr. Carbonaro, the Chief Clerk of this Office, and other eye-witnesses, show that the whole proceeding bore the appearance of a formally arranged domiciliary visit; that the number of soldiers and gendarmes assembled inside the premises and in the street amounted to at least thirty or forty, five or six of whom stood with muskets and fixed bayonets in a line across the entrance, and prevented people from going in or out; and that the general tone and demeanour of the party was imperious and aggressive.

* No. 180.

Although invited to search the premises they did not do so, and, after remaining there about half-an-hour, they went away.

The serious character of this last venture of the military authorities is too self-evident to call for comment. I therefore lost no time in bringing the matter to the notice of the French Minister, and recording a protest against a course of procedure as unprecedented and illegal as it is dangerous to the rights and liberties of British subjects.

Of the correspondence which passed between M. Cambon and myself with regard to this matter, I beg also to annex a copy.

At the instigation of M. Cambon, the French Government has for some time past endeavoured to obtain the assent of the Great European Powers to the abrogation of the Capitulations and establishment of French jurisdiction over all foreigners in this Regency, civil and military, as the case may be. That the negotiations set on foot for this purpose, except, perhaps, with certain Governments whose interests in this country are little more than nominal, should have failed hitherto of success, is, on many accounts and for obvious reasons, a subject of congratulation. In the long array, however, of arguments that can be adduced against such a concession to French aspirations, none, it appears to me, is stronger or more transparent than the very line of procedure which the French authorities have, during the term of the present régime, thought proper to pursue in their relations with the Representatives of foreign Powers.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 186.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 10, 1883.
IT having come to my knowledge that a British subject, named Michele Portelli, known generally by the sobriquet of "Paipai," has been arrested, and detained in arrest by the French military authorities, I have the honour to request that, whereas such arrest is illegal and opposed to Treaty, he be transferred to the charge of this Consulate-General.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 186.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 10 Novembre, 1883.
J'AI l'honneur de vous accuser réception de votre dépêche en date de ce jour, relativement à l'arrestation par l'autorité militaire du Sieur Michele Portelli, connu vulgairement sous le sobriquet de "Pai-Pai." D'après les renseignements qui me sont fournis à ce sujet par l'autorité militaire, cet individu se serait rendu complice d'une agression dont aurait été victime un caporal du 4^e Régiment de Zouaves.

Ce caporal aurait reçu cinq coups de couteau et serait grièvement blessé. L'autorité militaire détient le Sieur Portelli, jusqu'à ce que l'enquête ouverte ait établie l'inculpation.

Agréez, &c.
(Signé) PAUL CAMBON.

Inclosure 3 in No. 186.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 10, 1883.
I HAVE the honour to acknowledge the receipt of your letter of this date, informing me, in reply to my request, for the delivery into the charge of Her Majesty's Consulate-General of the British subject, Michele Portelli, who is at present detained in the custody of the French military authorities, that the said detention of Michele Portelli will continue until an inquiry into the circumstances which led to his arrest shall have been held.

It will be my duty to communicate the above reply to Her Majesty's Secretary of State for Foreign Affairs. In the meanwhile, I must record my formal protest against the

arrestation and imprisonment of the British subject as a breach of Treaty and international law.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 4 in No. 186.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 12, 1883.
A BRITISH domicile was in the afternoon of yesterday violated by a French military force consisting of soldiers and gendarmes. Premises occupied by a Maltese woman named Margherita Galea were taken possession of by that force, and an armed guard placed at the door of those premises prevented for some time all ingress into them. The above facts have been officially established by the Chancellor of Her Majesty's Consulate-General, who was an eye-witness of much that occurred.

Your Excellency will not fail to comprehend the serious nature of the military procedure in the present instance, as anything more glaringly opposed to all the prescriptions of international usage and Treaty, and I may add to the solemn engagements entered into at Kasr Said on the 12th May, 1881, it is impossible to conceive.

Having felt it my duty to submit all the circumstances of the case to Her Majesty's Government, I have for the present little more to say on the subject; but, as we appear to have entered upon a new phase of affairs, and the rights of domicile, which (so far as foreign subjects residing in this country were concerned) have always hitherto been held as sacred, are no longer regarded with the respect to which they are entitled, I have the honour to record, from this moment and pending reference to my Government, a formal protest against the violation to which, as above narrated, the premises occupied by the British subject, Margherita Galea, were yesterday subjected.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 5 in No. 186.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 12 Novembre, 1883.
DÈS la réception de la lettre que vous m'avez fait l'honneur de m'adresser sous la date de ce jour, je me suis empressé de demander à l'autorité militaire compétente des explications au sujet de l'incident que vous me signalez.

Il résulte d'un rapport de M. le Major de la Garnison à M. le Général Commandant le Corps d'Occupation, dont vous trouverez ci-joint copie, qu'aucune troupe armée n'a violé, hier soir, le domicile d'un sujet Maltais, et qu'il n'y a été fait aucune perquisition.

Je ne doute pas, M. l'Agent et Consul-Général, que ces explications ne vous paraissent satisfaisantes et de nature à ôter tout caractère de gravité à l'incident qui forme l'objet de votre communication précitée.

Agréez, &c.
(Signé) PAUL CAMBON.

Inclosure 6 in No. 186.

Lieutenant-Colonel Alessandri to the French Garrison Major.

Mon Général,

Tunis, le 12 Novembre, 1883.
J'AI l'honneur de vous adresser les renseignements demandés dans votre lettre de ce jour.

M. Coquet, Capitaine Adjudant-Major au 4^e Zouaves, s'est présenté hier, en tenue du jour, dans le Café de Milan, signalé dans le Rapport de la gendarmerie, pour y réclamer le sabre du Caporal Régénat.

Il était accompagné du Sergent Livet et du Caporal Graziani, tous deux appartenant au 4^e Zouaves, et ce dernier servant d'interprète. Ces deux militaires étaient également en tenue du jour.

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A leur arrivée, un rassemblement s'étant formé devant la porte, la patrouille, qui passait en ce moment dans la rue, s'est arrêtée, et le brigadier qui la conduisait est venu demander au Capitaine Coquet s'il avait besoin de son concours. Le Capitaine a répondu que non, et la patrouille est restée pendant quelque temps dans la rue, qui est très étroite, et on ne pouvait passer que difficilement. Mais M. Coquet m'a déclaré de la manière la plus formelle et la plus catégorique qu'aucun homme en armes n'est entré dans l'établissement dit "Café de Milan."

Voici maintenant ce qui s'est passé dans le café. A peine M. Coquet avait-il eu le temps d'exposer l'objet de sa visite, que trois employés du Consulat d'Angleterre, dont l'un, a-t-on dit, était le Chancelier du Consulat, arrivaient également dans le café. M. Coquet a fait répéter par son interprète qu'il venait chercher un sabre dont le propriétaire de l'établissement devait retrouver le détenteur. Il lui fut répondu qu'il n'y avait pas de sabre dans la maison et que le propriétaire du café s'était embarqué pour Malte. La femme engageait en même temps M. Coquet avec fort instance à visiter la maison, et à s'assurer de la vérité de ses assertions. M. Coquet répondit qu'il ne voulait pas faire de perquisition et qu'il préférerait qu'on lui remit le sabre de bonne volonté. Puis, ne croyant pas devoir continuer des recherches inutiles, il se retira.

En résumé, il résulte des explications qui m'ont été fournies par M. Coquet qu'aucune troupe armée n'a violé, hier au soir, le domicile d'un sujet Maltais tenant le "Café de Milan."

Trois militaires dont un officier, se sont présentés dans ce café en tenue du jour; ils se sont tenus dans la salle des consommateurs, ont demandé le sabre d'un caporal, et n'ont fait aucune perquisition.

(Signé) ALESSANDRI.

Inclosure 7 in No. 186.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 13, 1883.

I HAVE the honour to acknowledge the receipt of your letter of yesterday, and of the copy therewith transmitted, of a Report which has been addressed to the General commanding the Corps d'Occupation, by Lieutenant-Colonel Alessandri, the Garrison Major, relatively to an alleged violation of a British domicile by a military force, under the command of Captain Coquet, of the 4th Regiment of Zouaves.

I am happy to learn from the Report that, whatever may have happened on the occasion under consideration, all idea of violating the said domicile is repudiated, and that no attempt is made to vindicate in any way the right of a French military force to take possession of premises occupied by a British tenant, or instituting therein any formal inquiry or perquisition.

It is to be regretted, however, that, notwithstanding the excellence of Captain Coquet's intentions, the procedure he adopted was most irregular and inconvenient.

Particulars which have reached me in connection with this disagreeable affair, but which are not contained in the military Report, aggravate materially all that is unfortunate in the officer's procedure, and places the affair in the light of a domiciliary visit exercised with all the formalities of authority. The presence, whether fortuitous or otherwise, of a considerable armed force, at the entrance of the house, and having all the appearance of a guard, regularly mounted, and stationed there for the purpose of preventing anybody from passing into or out of the establishment, added naturally to the aggressive aspect of the whole procedure.

It appears, moreover, that the above-named captain and his party proceeded to the house of Margherita Galea (which, although called a café, is more properly a shop in which wines and spirits are sold, with rooms adjoining, in which she has her fixed dwelling) for the avowed purpose of demanding restitution of a sword, which they believed to exist there—a demand which I understand was made in an authoritative and peremptory manner. The great inconvenience of the course pursued will be at once comprehended; and if, instead of inviting the military force to search the premises themselves, Margherita had refused to reply to a demand that did not come directly from the Consular authority to which she is amenable, there is no doubt she would have been perfectly justified in so doing.

I shall not fail to communicate to Her Majesty's Government, by the first opportunity, the letter with which you have favoured me, and the military Report it incloses; but, whether the conduct pursued by the French military authorities, in the present

nstance, or that which relates generally to the arrest and custody of the British subject, Michele Portelli, is such as to induce Her Majesty's Government to assent to the military jurisdiction which is claimed, in certain cases, over foreign subjects residing in the Regency, I cannot presume to say.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 8 in No. 186.

Declaration of Mr. Carbonaro

I, THE undersigned Gavino Carbonaro, Chief Clerk of Her Britannic Majesty's Agency and Consulate-General, make oath and say:

That yesterday, at about half-past 4 P.M., I went to Sidi Abdallah Ghist, accompanied by the Dragoman Hamda and some friends, amongst whom was Mr. Tancredi Camilleri, in order to make inquiry about the arrest of Michele Portelli, a Maltese, nicknamed "Paipai." On approaching the wine-shop and residence of one Margherita Galea, a Maltese, I saw gendarmes and French soldiers in the street in front of the house, an officer and some soldiers inside the house, and a number of soldiers standing, with fixed bayonets, in a line at the door or entrance of the house. As soon as the Maltese woman saw me she called for my assistance, and, on my telling the officer who I was, he let me in, and told me that they had come there to obtain a bayonet from the woman Margherita Galea, which belonged to a soldier who had been wounded some days before, as they knew it was in her possession. The woman protested she had not got it, and asked them to go into the inner rooms and search for it. The officer said, "We will not search. You must give up the bayonet." I told him that he was at liberty to search the place himself, since the woman declared she had no bayonet. The officer insisted to have the bayonet given up to him, without searching. Whereupon I told him he ought to have applied to our Consulate for assistance, and not take the place by force. He said they had applied, but could get no assistance. I answered that this was not true, and that, as they were not willing to search, they might do anything they liked. I added that they had already arrested a Maltese without any authority whatever, and without even reporting the matter to the British Consulate, although several days had passed since the arrest took place. I then went away, and reported what had happened to Her Britannic Majesty's Agent and Consul-General.

(Signed) G. CARBONARO.

Tunis, November 12, 1883.

Inclosure 9 in No. 186.

Declaration of Margherita Galea.

(Translation.)

I, THE Undersigned, make oath and say:

That on the 11th November, 1883, at about 3 P.M., I was at my shop, where I also live, situated at Humet-el-Sciekh, when six or seven French armed soldiers entered my shop. They were followed by about forty more French soldiers, who remained outside. A French officer ordered me to deliver to him a bayonet, which he pretended existed in my possession. I observed to him that there was no such thing as a bayonet in my house. Whereupon a French gendarme began to speak in a high tone of voice, ordering me to give up the bayonet at once. I was frightened, and asked them to let me send for somebody from the English Consulate, as I was a British subject. The officer answered me, "We know nothing about the English Consul; it is we who command now." As I was afraid of being arrested, I told them to search for the bayonet if they did not believe me. At that moment Mr. Gavino Carbonaro, Chief Clerk of the British Consulate, accompanied by the Janissary Hamda and other British subjects, arrived, and told the French soldiers that my house was under British jurisdiction. He nevertheless invited them to search. They refused to do so, but insisted upon the bayonet being given up to them. Mr. Carbonaro, seeing that his presence was not respected by the military, withdrew, saying something to them in French which I did not understand. The said military force continued to occupy my residence for more than half-an-hour after the departure of the Chief Clerk.

(Signed) MARGHERITA GALEA, her X mark.

Tunis, November 12, 1883.

Inclosure 10 in No. 186.

Declaration of Pasquale Costa.

(Translation.)

In Her Majesty's Court for Tunis.

I, THE Undersigned, declare and make oath that yesterday (11th November), at about 3 P.M., I was in the shop of Margherita Galea, situated at Humet-el-Sciekh in this town, when French soldiers with fixed bayonets, followed by about forty other French soldiers, entered into the said shop. A corporal ordered Margherita Galea to deliver a bayonet to him. She protested she had none. Margherita asked for some person from the British Consulate. The corporal answered, "We do not acknowledge the British Consul now; it is we who command here." Margherita offered them, several times, to search. Shortly afterwards, the Chief Clerk of this Consulate, accompanied by several other persons and by the Dragoman Hamida, arrived. The Chief Clerk, Mr. Gavino Carbonaro, told the soldiers that the owner of the shop was a British subject, but, if they chose, they might make a search. Mr. Carbonaro, seeing that the soldiers took no notice of what he was saying to them, left the place, speaking in French to them; but I did not understand what they said.

(Signed) PASQUALE COSTA.

No. 187.

Earl Granville to Mr. Reade.

(No. 25.)

Sir,

Foreign Office, November 22, 1883.

I HAVE received your despatch No. 51 of the 30th ultimo upon the subject of the complaints of the British mercantile community at Sfax.

Your action in the matter is approved by Her Majesty's Government, and I have to state to you that the case of these claimants will be duly considered.

I am, &c.
(Signed) GRANVILLE.

No. 188.

*Memorandum communicated to Earl Granville by the Marquis de Casa Laiglesia,
November 23, 1883.*

THE Rules concerning taxation which have been drawn up for the purpose of giving effect to the Article XII of the International Convention signed at Madrid with a view to the settlement of the different questions relating to the right of *protection* exercised by the foreign Legations and Consuls in Morocco seem, in their application, to have been interpreted, by at least one of the Representatives of the Signatory Powers, in a way which is at variance both with the text and spirit of the said Convention.

At a meeting of the Foreign Ministers held at Tangiers under the Presidency of the Sultan's Minister for Foreign Affairs, for the purpose of coming to an agreement as to the true interpretation of the said Article, it was agreed that Sid Mohammed Vargas should request the Spanish Minister for Foreign Affairs to endeavour to obtain, through the Representatives of Spain at the various Courts interested in the matter, an uniform and precise interpretation on all the points comprised in the stipulations of the International Agreement referred to.

The Spanish Government, having in view what is laid down in the Articles IV and IX of the Madrid Convention and in the note of 1863, which forms part of the same document, is of opinion that only *wholesale* merchants are entitled to the privilege of *protection*, and that these merchants have not any power to extend that protection to other persons; and, moreover, that since the facts are so clear, it cannot be allowed that foreign Representatives are empowered to come to an agreement with the Sultan's Government as to the interpretation of the Convention in cases which seem to them doubtful, and thus ignore the solemn agreement entered into at Madrid. The Convention would become wholly inoperative if the Governments who have undertaken to see that its stipulations are carried out were not to endeavour to uphold the letter and spirit of what it lays down, and to prevent its nature being changed by the different interpretations of each of the foreign Representatives in Morocco.

The Spanish Government begs, therefore, to be informed, in order to be able to reply to the note of Sid Mohammed Vargas, as to whether Her Majesty's Government is disposed to adhere to the views of the former as expressed above, views which are shared by the Sultan's Government and by well nigh all the foreign Representatives at Tangiers; and should the English Government be disposed so to do, the Spanish Minister for Foreign Affairs trusts that, as soon as possible, instructions will be sent to the British Minister at Morocco for the purpose of securing the exact fulfilment of the Rules laid down by the Madrid Convention concerning the right of protection exercised by the foreign Legations and Consuls in Morocco.

No. 189.

*Memorandum communicated to Earl Granville by the Marquis de Casa Laiglesia,
November 23, 1883.*

THE Spanish Consul-General in Tunis has informed his Government that His Highness the Bey has issued a Decree declaring that Tunis and sixteen other cities of the Regency are to be considered in future as fortified places. The Spanish Government is most desirous to know whether the above-mentioned measure has been notified to the Foreign Office, and what is the opinion of Her Britannic Majesty's Government on the subject.

No. 190.

Sir J. Drummond Hay to Earl Granville.—(Received November 24.)

(No. 92. Secret.)

My Lord,

Tangier, November 15, 1883.

WITH reference to my despatch No. 65, Confidential, of the 22nd July last, reporting the language held to me by the French Minister, M. Ordega, respecting this country, I have the honour to inform your Lordship that he returned here on the 11th instant, and I have learnt casually that it is his intention to proceed in the beginning of next month to the Sultan's Court at Mequinez.

My Italian colleague informs me that M. Ordega, shortly before he went on leave, had in the course of conversation told him that, if he returned here, he would become the "Roustan" of Morocco.

M. Ordega is very indiscreet in his language, though, when he makes extraordinary communications to his colleagues, his chief object may be to elicit an expression of their views.

I cannot suppose, especially at the present time, when the hands of the French Government are full, in consequence of their ambitious views of colonial aggrandizement, that they should attempt to seek to establish a Protectorate in this country, as they have done in Tunis, and therefore I wish to attribute M. Ordega's ebullitions to indiscretion and vanity, but I have thought it advisable, under present circumstances, to lose no time in letting the Sultan know secretly the language which has been held by M. Ordega, and in placing His Majesty on his guard against admitting any insidious proposition that he seek for or accept a French Protectorate, or the agis of France in any other form, and that His Majesty should apprise me secretly and immediately, even if the shadow of such a proposition is made.

I have the honour to transmit the translation of a secret Memorandum which I have forwarded, sealed, through the Vizier, Cid Mohammed ben El Arby, with a request that he deliver it to the Sultan, as I have no confidence either in the intelligence or good faith of that functionary.

I trust your Lordship will find that my language is discreet, and that, far from encouraging any feelings of animosity towards France, I seek to allay the natural irritation which must be felt by the Sultan against M. Ordega, for it is most probable that other persons have divulged his views, which are in the mouths of every one with whom he converses.

Cid Mohammed Barghash has also been put on his guard by me in a late conversation I had with him, and he appeared to comprehend thoroughly my object, and advised me to make it known to the Sultan before M. Ordega proceeds to the Court.

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A *fait accompli* is a very difficult matter to deal with. I have thought it advisable, therefore, to try and avoid the risk of a surprise by giving a warning in due time.

During the thirty-eight years that I have held my present post, I have regarded my chief duty to be that of a sentinel, who watches over the interest Great Britain must have in the maintenance of the freedom of the Straits, the great highway of commerce to the Mediterranean and to India. The decided policy and action of the British Government, both as regards the Dardanelles in 1878, and again as regards the Suez Canal last year, would not, it appears to me, be consistent, if it allows a Power like France to hold the northern coast of Morocco in the Straits, either by annexing this country or by taking it under its aegis, which would, in the end, be equivalent to possession.

I see no prospect at present of improvement in the form of Government in this country. Counsels are thrown away upon ignorant and corrupt Ministers. Irregular protection is undermining the little authority still possessed by the Sultan and his Pashas, whilst the Representatives of several of the foreign Powers do not appear disposed to pay attention to the feeble and helpless protests against infractions of the Madrid Convention of the Sultan, or his Ministers.

As I see no prospect of the improvement of Morocco, I venture to submit whether it might not be politic, when a fitting moment presents itself, that Her Majesty's Government should endeavour to come to an understanding with those Powers who, like Great Britain, have no ambitious views, regarding the maintenance of the neutrality of the Straits, and that it be stipulated that no Power be permitted to occupy any part of the coast. If such an arrangement could be made, to the great advantage of the Sultan, there would then be a favourable opportunity for resorting to other language than mere counsels as regards reform in the administration of Government, the removal of restriction or high duties on exports, and the abolition of slavery.

If the integrity of Morocco and the independence of its Sovereign are to be upheld by foreign Powers, these people dwelling within sight of Europe must be told to move on with civilized nations, or be effaced from the map of the world as a nation.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 190.

Memorandum presented by Sir J. Drummond Hay to the Sultan.

(Secret.)

(Translation.)

HIS Shereefian Majesty knows the deep interest I have never ceased to take in the welfare and prosperity of His Majesty's dominions, and of the maintenance of their integrity and of His Majesty's independence. His Shereefian Majesty has had also unceasing proofs, from the counsels I have offered, when any question has arisen with a foreign Government or Representative, of the anxious desire, both of Her Majesty's Government and of myself, as their Representative, that peaceful relations should be maintained by His Shereefian Majesty acceding to the just demands or wishes of a foreign Government, and of making concessions, even when the justice of the demands may be of a doubtful character, with the view of avoiding the possibility of a rupture, more especially as His Shereefian Majesty, in his wisdom, is aware that, having no navy, and only a small army, as contrasted with that of other Powers, His Shereefian Majesty has not the power to resist aggression, especially on the seaboard. Above all, I have never ceased to urge that the most friendly relations should be maintained with France, His Shereefian Majesty's powerful ally and neighbour, who could at any time march an army of 50,000 men with an irresistible artillery across the frontier. Every reasonable concession, not affecting the integrity and independence of this country, should be made, rather than incur the danger of a rupture of relations with that Power. These counsels, as His Shereefian Majesty is aware, I have never ceased to inculcate on the minds of His Majesty's Ministers.

With these premises, I desire to take an early opportunity of putting His Shereefian Majesty on his guard against the acceptance or even consideration of any proposition which might possibly be made, that His Shereefian Majesty should seek for, or accept, the Protectorate of France, or place himself in any way under the aegis or guidance of that Power.

I have no certain proofs which could be produced that the French Government has the intention of seeking to induce His Majesty to accept their tutelage, but I cannot

conceal from His Shereefian Majesty that the French Minister, M. Ordega, makes no secret with his colleagues, and even in his language to myself, that his aim is to bring about the downfall and conquest of Morocco by some foreign Power, or its annexation to Algeria, as has happened at Tunis.

He made a proposition to me that England should take possession of the northern coast of Morocco. He made a similar proposition to the Spanish Minister. I declined to listen to such a scheme, and I am informed the Spanish Minister held similar language, adding that Spain desires the strict maintenance of the integrity of His Majesty's dominions.

I may here observe, in parenthesis, that I have good grounds for believing that it is the anxious and sincere desire of the present Spanish Ministry to uphold the integrity of Morocco, and the independence of His Shereefian Majesty, and that their Representative, M. Diosdado, has proved himself to be a wise and true friend of His Shereefian Majesty. I trust that His Majesty's Ministers will, therefore, seek to do all in their power to promote the friendship and goodwill towards Spain, especially in questions affecting their African Possessions on the coast. Peace with Spain is essential for the welfare of Morocco.

To return to the subject of the language of M. Ordega. In conversing with one of his colleagues upon this subject, he said: "If I return to Tangier I shall be, sooner or later, when the fitting time comes, the 'Roustan' of Morocco." Roustan, as His Shereefian Majesty no doubt recollects, was the Agent of the French Government at Tunis, who brought about the Protectorate established by France over that Regency.

The language held by M. Ordega may be, and probably is, unauthorized by his Government. He is very indiscreet in his communications; but what I have heard suffices for me, as a sincere friend, to put His Shereefian Majesty on his guard. I wish, however, in secretly imparting the above information, to beg that His Shereefian Majesty should, neither in word or deed, show any feeling of irritation or resentment towards M. Ordega, so long as he is the Representative of France, nor allude to the information I have imparted, unless he is the first to introduce the subject.

I hear accidentally that it is M. Ordega's intention to visit His Shereefian Majesty's Court this autumn, and it is supposed that frontier questions are to be the chief subject of discussion.

His Shereefian Majesty may wish to know in what form I think it possible that some proposal or insinuation may be made that His Shereefian Majesty should admit or seek the Protectorate of France. It appears to me that language of the following tenour might be held:—

In the late questions with the Italian and United States' Representatives, His Shereefian Majesty must have felt considerable pain, if not humiliation, in being compelled to submit to prepotent demands made under menace, and which may not have been considered just or in accordance with Treaty rights. In questions with other countries the policy and necessity of acceding to demands, right or wrong, when pressed, must frequently be felt by His Shereefian Majesty, as also when the stipulations of the Madrid Convention are infringed with impunity, for His Shereefian Majesty has not the power to resist with success acts of aggression of foreign Powers; but if His Shereefian Majesty will propose to place himself under the guidance of the French Government in all questions with foreign Powers, and to declare openly that he voluntarily seeks for their protection, France would then accept the task of vigilating that no unjust demand is imposed upon His Shereefian Majesty; but, under these circumstances, it would probably be intimated a French Minister or Counsellor should reside permanently at the Moorish Court to advise and guide His Shereefian Majesty.

With the view of inducing His Shereefian Majesty to accept such an insidious proposition, it may also be intimated that, as rebellious risings frequently take place in His Shereefian Majesty's dominions against His Majesty's authority, France will be prepared, when her aid or co-operation is sought for, to establish His Shereefian Majesty's authority.

I wish distinctly to repeat that I have no grounds for accusing the French Government of a desire to assume a Protectorate over, or to annex Morocco, further than the language of their own Minister, but should such propositions as I have described, or even the shadow of them, be put forward, let His Shereefian Majesty ask for it in writing and send me a copy by express. Whilst awaiting my reply and reference to Her Majesty's Government, let nothing be said or done which could afford the slightest ground for supposing a Protectorate in any form would be accepted.

The French Government has its hands full just now, and is at war, or on the brink of war, with China, Madagascar, and Congo, on account of her territorial ambition and projects of establishing colonies where the native authorities of the said countries are

alleged at some time or other to have committed themselves by accepting the Protectorate or the aegis of France.

It is the desire of Her Majesty's Government, it is the desire of the Spanish Government, it is the desire of some of the other foreign Governments, that the integrity of His Shereefian Majesty's dominions should be preserved and His Shereefian Majesty's independence be maintained. His Shereefian Majesty must not, therefore, take undue alarm at the warning I have ventured to give. Let His Shereefian Majesty continue to follow a peaceful and conciliatory policy with France and all foreign Powers. Let His Shereefian Majesty take more decided and more energetic steps than he has hitherto done to introduce reforms, and to improve his finances by the removal of restrictions on trade, on which subject I have addressed another Memorandum for the consideration of His Shereefian Majesty.

(Signed) J. H. DRUMMOND HAY.

Tangier, November 13, 1883.

Note.—I sent by same courier a Memorandum to be presented to the Sultan, requesting that the prohibition on the exportation of wheat and barley be taken off, as there is an abundant harvest this year. See my despatch No. 14, Commercial, of the 15th November, 1883.—J. H. D. H.

No. 191.

Sir R. Morier to Earl Granville.—(Received November 24.)

(No. 175. Most Confidential.)

My Lord.

Madrid, November 20, 1883.

KNOWING how entirely Señor Ruiz Gomez is of one mind with Her Majesty's Government in reference to the policy to be pursued respecting Morocco, I had no hesitation in reading to his Excellency extracts from Sir John Drummond Hay's despatch No. 92, Secret, of the 15th instant, which, having been addressed to me under flying seal, I have now the honour to transmit herewith to your Lordship.

His Excellency, who expressed warm appreciation of Sir John Drummond Hay's views, could not contain his irritation at the way France was going on. It would suffice, he said, that the least inkling should ooze out into the Spanish public of M. Ordega's language, and that the idea should get abroad that France was preparing to operate "à la Roustan" in Morocco, to throw Spain bodily into the arms of Germany. Every portion of the Spanish people would, at the prospect of French intervention in Morocco, take fire with that fierce blazing which is the "revers de la médaille" to Spanish inertness and carelessness, and every part equally, to the most violent Radicals and Republicans, would rush for aid and assistance to the great German colossus. He, Señor Ruiz Gomez, was doing all he could to place the relations of Spain with France on a good footing, and to withstand the dangerous temptations held out from Berlin, and France seemed bent on doing all she could to render his efforts futile.

Talking on the subject of Morocco, I thought the opportunity a good one to elicit an opinion on the idea thrown out by Sir John Drummond Hay, of an Agreement by which no Power should be permitted to occupy any part of the coast of Morocco.

I said that there were three Powers who, in public estimation, were supposed to have made up their minds at one time or other to annex Morocco, viz., France, Spain, and Great Britain. His Excellency knew right well that this was an idea that had never crossed the mind of any British statesman, and that what we wanted was the continuance of the Moorish Empire and the liberty, peace, and quiet of the mouth of the Mediterranean. His Excellency, I knew, was equally of opinion that Spain should abstain from all attempts at territorial acquisition on the other side of the Straits. France, on the other hand, made no secret of her wishes.

Should Spain and Great Britain, therefore, take up the idea suggested, they would have the appearance of proposing a self-denying Ordinance which would carry great weight as against a Power whose bad conscience on the subject might render it difficult for her to refuse her adherence.

I only suggested the idea as my own and one of the academical kind, but his Excellency was at once taken by it, and said, "Elle mérite au moins d'être très sérieusement mise à l'étude."

I was very glad to see that his Excellency, who had only lately had time to work through the correspondence from Señor Diosdado, observed that he had gathered from

it the highest opinion possible of that Minister, whose views entirely agreed with his own.

I have, &c.
(Signed) R. B. D. MORIER.

No. 192.

Viscount Lyons to Earl Granville.—(Received November 24.)

(No. 794.)

My Lord,

Paris, November 22, 1883.

I HAVE this morning had the honour to receive your Lordship's despatch No. 1092 of the 16th instant, directing me to make a further representation to the French Government on the subject of General Benayad's property at Tunis.

I inclose a copy of a note which I have in consequence addressed to the French Minister for Foreign Affairs.

I have, &c.
(Signed) LYONS.

Inclosure in No. 192.

Viscount Lyons to M. Jules Ferry.

M. le Président du Conseil,

Paris, November 22, 1883.

HER Majesty's Government have given their best attention to the note which your Excellency did Mr. Plunkett the honour to address to him on the 17th September last, and in which you were so good as to make him acquainted with the substance of Reports which you had received from Baron d'Estournelles on the subject of the forcible invasion by French citizens of a piece of ground at Tunis belonging to a protected British subject, General Sid Hamida Benayad. Her Majesty's Government have, moreover, received from Mr. Reade, Her Majesty's Agent and Consul-General, observations upon the account of the affair thus given by Baron d'Estournelles.

Mr. Reade adheres entirely to his original statements, and it is unfortunately the case that the statement of facts given by him widely differs from that of Baron d'Estournelles, while there is no documentary evidence to support either version.

Her Majesty's Government have, in consequence, directed me to represent to the French Government the very unsatisfactory position in which this matter stands, owing to the discrepancy in the evidence as regards essential points, and to observe that as this is unfortunately the case, it seems useless to prolong the discussion as to the facts in dispute. They conceive, however, that it is undeniable that General Benayad has long been the possessor of the ground in question; that M. Maréchal is the aggressor who has tried to dispossess him, and who is bound to prove his title, as plaintiff, before the competent Tribunal. It appears, moreover, that General Benayad is quite willing that the question should be so disposed of, or, if not by this means, by arbitration.

In the meantime, it is clear that M. Maréchal's efforts to gain possession of the ground by force are illegal, and calculated to produce breaches of the peace, and Her Majesty's Government hope, therefore, that the French authorities will see their way to restrain him from all such proceedings, and they trust that Baron d'Estournelles will be instructed to unite with Mr. Reade in efforts to have the matter settled in one of the modes above indicated.

I have, &c.
(Signed) LYONS.

No. 193.

Earl Granville to Mr. Reade.

(No. 8.)

(Telegraphic.)

Foreign Office, November 24, 1883, 1:50 P.M.

WITH reference to my telegram No. 7 of 19th instant, furnish as soon as possible a complete list of all outstanding British claims, in form fit for presentation to French Government, who have asked for it.

Earl Granville to Viscount Lyons.

(No. 1125.)

My Lord,

Foreign Office, November 24, 1883.

I INCLOSE herewith, for your information, copy of a despatch from Her Majesty's Agent and Consul-General at Tunis,* reporting upon the complaint made by the British mercantile community at Sfax that their business operations with the natives are interfered with by the local authorities.

Full particulars respecting their grievances will be found in Mr. Reade's despatch, and it will be seen that he has already called the serious attention of the Tunisian Government to the matter.

It is, however, my wish that your Excellency should yourself bring this case to the notice of the French Government, and endeavour to obtain from them an engagement that all obstruction on the part of the local authorities shall be removed, and practical assistance afforded to the Sfax merchants to enable them to carry on their legitimate business operations.

Your Excellency should further intimate to the Minister for Foreign Affairs that this case, although from its nature it appears to necessitate a special representation, must still be regarded as one of those outstanding claims which, as I explained to M. Waddington in my letter of the 16th instant, Her Majesty's Government look to being satisfactorily closed before they can consent to definitively surrender their rights of Consular jurisdiction in Tunis.

I am, &c.
(Signed) GRANVILLE.

No. 195.

Sir J. Drummond Hay to Earl Granville.—(Received November 26.)

(No. 93.)

My Lord,

Tangier, November 19, 1883.

I OBSERVE in the public journals that a telegram from Tangier is published, reporting that a brutal assault had been committed by a Mahomedan on the French Chargé d'Affaires, M. Montfraix.

As undue importance might be attached to the account given by the papers to this incident, which, I observe, is attributed to an outbreak of fanaticism, I think it right to put your Lordship in possession of the facts of the case, as brought to my knowledge.

The French Chargé d'Affaires, M. Montfraix, was taking a walk on the 11th instant in the outer market, accompanied by Mr. Jove, one of the Spanish Secretaries of Legation. It was the Mahomedan Feast of the Ashur, or Tithes, and Moorish boys are wont on that day to have turn-about and other games in the market-place, in which Christians and Jews are not allowed to join. Some Jews approached the boys at their games, and the latter commenced throwing stones, one of which struck by accident M. Montfraix. Fortunately, he was not hurt; he rushed in amongst the Mahomedan youths, and struck several. The boys did not retaliate, but ran away.

A message was sent by M. Montfraix to the Governor of the town to demand satisfaction. The Basha, it is reported, replied that he would take steps to arrest the boys who had thrown the stones.

It appears that M. Montfraix, being dissatisfied with the Basha for not having shown more energy, complained to the Moorish Minister, and demanded, not only the arrest and punishment of the boys, but the payment of 1,000 dollars, to be given in charity by M. Montfraix to the poor, and the dismissal of the Basha.

I learn that the Basha called at the French Legation on the 16th instant, expressed his regret at what had occurred, and paid the 1,000 dollars.

I am glad to learn that the question has been arranged, but it is to be regretted that, on account of a mere accident, such an exaggerated satisfaction should have been exacted. It is, however, the habit of French officials, in dealing with a weak Government and people, to impose their will in an arbitrary manner.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

* No. 167.

Mr. Reade to Earl Granville.—(Received November 27.)

(No. 28.)

(Telegraphic.)

Tunis, November 26, 1883.

WITH reference to your Lordship's telegram No. 8 of the 24th, I am engaged in preparing a complete list of British claims as required. I beg nevertheless respectfully to suggest that Benayad's claim against the Tunisian Government for the invasion of his property by M. Maréchal [?] and the Messrs. Orto [?] Farina outrage may be treated independently of other cases. French policy here has always been to do nothing by appearing to wish to settle all pending matters simultaneously.

No. 197.

Mr. Reade to Earl Granville.—(Received November 27.)

(No. 29.)

(Telegraphic.)

Tunis, November 26, 1883.

A BAD case of British property violently taken from its owner has occurred, in which I have failed to get justice done. The proprietor there is named Benatar [?]; if restored to the peaceable possession of the property which he has purchased and cultivated and built upon for the last three years, is prepared to defend his rights before Tribunal of the Sharaa [?] against all pretenders. I respectfully suggest that, pending decision of competent Court, French Government may be moved to order that the British subject be restored to occupancy of the property; his separation from it, particularly at this season, prejudicial to himself, and damaging to British interests generally. The aggressor, Hadj [?], is a nephew of Prime Minister's steward.

No. 198.

Mr. Reade to Earl Granville.—(Received November 27, 11-30 P.M.)

(No. 30.)

(Telegraphic.)

Tunis, November 27, 1883, 4 P.M.

FRENCH Minister has asked me to send four British subjects to give evidence at Residency regarding late assault on French soldiers. I have expressed readiness to comply, provided I am assured beforehand that the person to be tried is not a British subject.

No. 199.

Earl Granville to Viscount Lyons.

(No. 1138.)

My Lord,

Foreign Office, November 27, 1883.

I HAVE received your Excellency's despatch No. 794 of the 22nd instant, and I have to state to you that I approve the note which you addressed to the French Government on the subject of General Benayad's property at Tunis, of which a copy was inclosed in your despatch.

I am, &c.
(Signed) GRANVILLE.

No. 200.

Earl Granville to Mr. Reade.

(No. 26.)

Sir,

Foreign Office, November 27, 1883.

I HAVE received your despatch No. 55 of the 8th instant, reporting the circumstances under which a store at Porto Farina, occupied by a British subject named Giuseppe Camilleri, was forcibly entered by officers and employes of the Tunisian Government, and certain goods found therein seized, on the pretext that they had been smuggled into the country.

It appears from the correspondence that the premises occupied by Camilleri were situated in the disused arsenal of Porto Farina, that they were not rented from the Government, but that he was allowed to occupy them.

It follows that the premises did not belong to M. Camilleri, but to the Tunisian Government. There is much force, therefore, in the contention of the French Minister, that there has been no violation of a British domicile within the meaning of the Treaty.

As regards the seizure of the salt and garlic found in the store on the ground that the goods are of foreign origin, and must, therefore, have been smuggled into the country, it appears to me that your remonstrance was well founded, for it does not follow that Camilleri may not have been an innocent purchaser of the goods, and the Tunisian authorities had no more right to confiscate his property on the ground of its having been smuggled than they would have had on the ground of its having been stolen, without first convicting him of the offence before the competent Tribunal.

The case seems to come within Articles XX and XXVI of the British Treaty of the 19th July, 1875.

I should be glad to receive a further Report from you on the case before making any representation to the French Government.

I am, &c.
(Signed) GRANVILLE.

No. 201.

*Sir J. Pouncefote to Count Bylandt.**

(Confidential.)

SIR JULIAN PAUNCEFOTE presents his compliments to Count Bylandt, and, with reference to his verbal inquiry of the 24th instant, has the honour, by Earl Granville's direction, to transmit herewith, for his confidential information, a précis of the communications between the British and French Governments respecting the establishment of French Tribunals in Tunis, and the proposed abrogation of foreign Consular jurisdiction.†

Foreign Office, November 27, 1883.

No. 202.

Mr. Reade to Earl Granville.—(Received November 29.)

(No. 57.)

My Lord,

Tunis, November 19, 1883.

I HAVE the honour to report that Her Majesty's ship "Condor" took her departure for Malta yesterday.

In the absence of sufficient cause for the prolongation of that vessel's visit to these waters, I did not feel myself justified in detaining her any longer.

I have, &c.
(Signed) THOS. F. READE.

No. 203.

Mr. Reade to Earl Granville.—(Received November 29.)

(No. 58.)

My Lord,

Tunis, November 22, 1883.

WITH reference to my despatch No. 56 of the 14th instant, in which I reported upon the late arrest of a British subject by French military authorities and subsequent violation by the same authorities of a British domicile, I have the honour to submit the accompanying copies of two further letters that have passed between the French Residency and myself in connection with those incidents.

In order that the military inquiry which is being held with reference to the assault and disarming of two French soldiers may be brought to some practical conclusion, a request has been addressed to me for the arrest and interrogation of five British subjects, who are alleged to have either witnessed or taken part in the assault.

* Also to M. de Catalani.

† No. 177.

No. 201*.

Messrs. McNaught, Pearse, and Middleton to Earl Granville.—(Received November 28.)

My Lord,

9, Crosby Square, London, November 27, 1883.

WITH reference to the various communications we have had the honour to make to your Lordship upon the question of the treatment received at the hands of the Moorish Government, we now beg to notify that the gentleman who proceeded to Tangier with a view to lay our case before the Moorish Government with the assistance of Her Majesty's Ambassador there, having met with nothing but courteous refusals from his Excellency Sir John Drummond Hay, has been compelled to return empty-handed, notwithstanding the fact that every authority on the question who perused the case against the Moorish Government gave it as their opinion that a direct violation of the Treaties had been committed, and that were the claim in the hands of French, Spanish, or Italian subjects, it would have been immediately enforced by their respective Governments.

Since it appears, my Lord, we have failed to convince you of the justice of our claim, we are preparing a pamphlet embodying all our proofs, and in due course a copy will be forwarded to your Lordship and to all the centres of commerce in England, and simultaneously steps will be taken to bring the matter prominently before Her Majesty's Government in the House of Commons, as it appears this is the only method to adopt to obtain any redress for the robbery of our goods and the imprisonment of our servants.

We take the liberty most earnestly to call your Lordship's attention to the fact that whilst British influence has been checked in this shameful manner in Southern Morocco, the Spaniards have acquired and are about to take possession of a port 17 miles from the port of the Sûs and North African Trading Company, and will, if allowed, monopolize the whole of the trade of this important district to the detriment of English interests.

In conclusion, we most urgently request your Lordship to direct that the two unfortunate servants of the Company now in prison in Morocco be liberated by virtue of the clause in the Madrid Treaty which stipulates that no servant of any British subject shall be imprisoned without an inquiry being instituted before the Consul under whose protection he may be.

We have, &c.
(Signed) McNAUGHT, PEARSE, AND MIDDLETON,
Agents to the Sûs and North African Trading
Company (Limited).

For reasons which I trust will be approved by your Lordship, it was not in my power to comply with M. Cambon's wishes.

An application for the assistance of Her Majesty's Consulate, made under circumstances which we hold to be irregular and in the highest degree objectionable, is certainly remarkable. In the present case it is especially so, as revealing an apparent consciousness of the untenableness of the position which the military authorities have assumed. If the latter were justified in arresting the individual called "Paipai," why, it is asked, do they not take the five other British subjects into custody.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 203.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 17 Novembre, 1883.

DANS la soirée du 7 de ce mois, une agression a été commise contre un caporal et un soldat de Zouaves du corps d'occupation, dans le quartier de Sidi Abdallah Guech, à Tunis.

Il résulte de l'enquête à laquelle il a été procédé à ce sujet que les Sieurs Carmo ou Carmo vivant, dit-on, avec la patronne du "Café de Milan," Marguerita ou Garita, patronne du "Café de Milan," Rue Sidi Abdallah Guech; Spero, autrefois cocher chez M. le Comte de Sancy, actuellement cocher chez un avocat; Michele, tenant un jeu de loterie; et Paolo, tenant également un jeu de loterie, sujets Anglais, ont été témoins de cette agression ou qu'ils y auraient pris part.

Je vous serais obligé, en conséquence, de vouloir bien faire comparaître ces individus devant l'autorité compétente de votre Consulat-Général, à l'effet d'entendre leurs dépositions respectives sur le fait en question, et de me communiquer les procès-verbaux de ces interrogatoires sous le plus bref délai possible.

Agréez, &c.
(Signé) PAUL CAMBON.

Inclosure 2 in No. 203.

Mr. Reade to the Baron d'Estournelles.

Sir,

Tunis, November 20, 1883.

I HAVE the honour to acknowledge the receipt of M. Cambon's official letter of the 17th instant, requesting that certain British subjects therein mentioned may be interrogated by the competent judicial authority as to what they may know with regard to an assault perpetrated some nights ago upon two soldiers of the Corps d'Occupation, and their depositions forwarded to the Residency. Having referred the above request to Her Majesty's Consul and Judge, I have received from him a reply, of which the inclosed is a copy.

It will be seen that, as accomplices in the affair to which you refer, the parties named cannot, according to English law, be interrogated, and that, as witnesses, they can be summoned in the usual way to give their evidence before any French authority competent to adjudicate in the cause.

I may add that the Michele and Paolo, to whom you allude, are not by that designation known to this Consulate, and can only be arrested on being personally identified by their accuser; and that with regard to Carmo, or more properly Carmelo, who is now at Malta, he was, at the demand of the before-mentioned soldiers, arrested by a Janissary of this Consulate on the night of the assault, and shortly afterwards liberated, with the assent of the same soldiers, who expressed themselves as satisfied he had nothing whatever to do with the affair.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 3 in No. 203.

Dr. Arpa to Mr. Reade.

Sir,

Tunis, November 19, 1883.

WITH reference to the French Minister Resident's letter to you of the 19th instant, requesting that the evidence of certain British subjects therein mentioned be taken by Her Majesty's Consular authority, and forwarded to his Excellency, in connection with an assault committed on two French soldiers, in which the latter were either parties or witnesses, I have the honour to say that, in the case of parties accused, the law of England does not permit a judicial officer to take the evidence of a criminal as requested; and that with regard to the case of witnesses, M. Cambon's request could only be complied with by summoning the British subjects to appear in the usual way before the French authorities as witnesses in a matter upon which they are competent to adjudicate.

I have, &c.
(Signed) F. ARPA.

No. 204.

Earl Granville to Viscount Lyons.

(No. 1116.)

My Lord,

Foreign Office, November 29, 1883.

HER Majesty's Agent and Consul-General in Tunis reports by telegraph that a case has occurred in which the property of a British subject, named Benatar, has been violently seized by a nephew of the Prime Minister's steward, and that he has failed to get justice done in the matter.

The proprietor declares himself prepared to defend his rights before the local Tribunal against all claimants, provided that he be in the meanwhile reinstated in the peaceable possession of the property in question, which he has cultivated and built upon for the last three years.

Mr. Reade suggests that the French Government should be moved to send out instructions to their Representative in Tunis for the immediate restoration of Benatar to the occupancy of the property, pending the decision of the competent Court; and I have to request that your Excellency will lose no time in making a representation in that sense to the French Government.

I am, &c.
(Signed) GRANVILLE.

No. 205.

Sir J. Pouncefote to the Secretary to the Admiralty.

Sir,

Foreign Office, November 29, 1883.

I AM directed by Earl Granville to transmit to you, to be laid before the Lords Commissioners of the Admiralty, for their Lordships' information, copy of a despatch, as marked in the margin,* from Her Majesty's Agent and Consul-General in Tunis, reporting the departure of Her Majesty's ship "Condor" for Malta.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

* No. 202.

No. 206.

Sir J. Pouncefote to the Law Officers of the Crown and Dr. Deane.

Gentlemen,

Foreign Office, November 30, 1883.

I HAVE the honour to transmit to you, by direction of the Secretary of State, the papers noted in the accompanying list,* which relate to the Act agreed upon by the Finance Commission for the settlement of the Tunisian debts, signed at Tunis on the 23rd March, 1870, and to the new financial régime which it would appear that France contemplates establishing in Tunis in lieu of that now existing under that Act in the Regency.

You will perceive that Lord Granville has been in communication with the Italian Ambassador at this Court upon this subject, and that the Italian Government are desirous of knowing the views of that of Her Majesty with respect to the proposed action of the French Government.

I am to draw your attention more particularly to the following documents:—

1. Act of Finance Commission.
2. Mr. Reade's No. 40, and inclosure.
3. Mr. Plunkett's No. 500, and inclosure.
4. Ditto, No. 631.
5. Article VII of the Treaty between France and Tunis of the 12th May, 1881.
6. Lord Granville to Lord Lyons, two despatches, 20th May, 1881; and "Tunis No. 6 (1881)," pp. 52 and 55-56.

In the absence of more definite information, and of any direct proposals from the French Government up to the present moment upon this subject, Lord Granville is scarcely prepared to express a formal opinion upon the bearings of the contemplated measure; but as the question raised by the British members of the Finance Commission will soon arise, I am to request that you will take the papers transmitted herewith into your consideration, and that you will favour his Lordship with your opinion as to whether, under the existing arrangement, the Bey of Tunis does not possess the power to abolish the Finance Commission, *proprio motu*, on payment in full of the debt, in the manner therein stipulated, although it is provided that the debt "sera liquidée par la Commission." (See Act of Finance Commission, p. 502.)

This appears, from Mr. Plunkett's despatch No. 631 of the 18th September last, to be the contention of M. Billot.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 207.

Viscount Lyons to Earl Granville.—(Received December 1.)

(No. 809.)

My Lord,

Paris, November 29, 1883.

I HAVE this morning had the honour to receive your Lordship's despatch No. 1125 of the 24th instant, directing me to bring to the notice of the French Government the complaint made by the British mercantile community at Sfax of the misconduct, so far as they are concerned, of the local authorities of that place.

I inclose a copy of a note which I have addressed in consequence to the French Minister for Foreign Affairs.

I have, &c.
(Signed) LYONS.

* To Sir A. Paget, No. 362A, December 7, 1882; Mr. Plunkett, No. 497, August 3; ditto, No. 500, August 7; Count Nigra, August 14; Mr. Reade, No. 40, August 6 (with Memorandum thereon by Sir E. Hertslet); to M. Catalani, September 5; to Mr. Reade, No. 15, September 5; to Mr. Plunkett, No. 849, September 5; Mr. Plunkett, No. 631, September 18; Count Nigra, September 17 (Translation); to Count Nigra, September 22, 1883; Treaty, France and Tunis, May 21, 1824; ditto, August 8, 1830; Boylical Decree, July 5, 1869; Act of Finance Commission (Tunis), March 23, 1870; General Convention between Great Britain and Tunis, July 19, 1875; Memorandum (Confidential) respecting Tunis Finance Commission, May 12, 1881; Memorandum, Increase in Tunisian Import Duties, December 7, "Tunis No. 6 (1881)"; Treaty, France and Tunis, May 12, 1881.

Inclosure in No. 207.

Viscount Lyons to M. Ferry.

M. le Président du Conseil,

Paris, November 29, 1883.

THE attention of Her Majesty's Government has been called to complaints made by the British mercantile community at Sfax of the difficulties with which they have to contend in the transaction of their business with the natives, in consequence of the misconduct, so far as they are concerned, of the local Tunisian authorities. The disinclination on the part of the authorities in question to assist British subjects in the recovery of sums due to them from periods anterior to the bombardment, and the unwarranted interference of those authorities with the business relations between British and Tunisian subjects, are indeed stated to be matters of public notoriety.

A serious representation on the subject has been already addressed to the Tunisian Government by Her Majesty's Agent and Consul-General, but Her Majesty's Government desire to bring the matter also to your Excellency's notice, in the hope of obtaining from the Government of the French Republic an assurance that all obstruction on the part of the local authorities shall be removed, and that practical assistance shall be afforded to the British merchants at Sfax to enable them to carry on their legitimate business operations.

This case, although from its nature it appears to Her Majesty's Government to necessitate a special representation, is still regarded by them as one of those outstanding claims for a satisfactory close of which (as explained in Earl Granville's letter to M. Waddington of the 16th instant) they must look before they can consent to surrender definitively their rights of Consular jurisdiction in Tunis.

I have, &c.
(Signed) LYONS.

No. 208.

Viscount Lyons to Earl Granville.—(Received December 3.)

(No. 817.)

My Lord,

Paris, December 1, 1883.

I HAVE this morning had the honour to receive your Lordship's despatch No. 1156 of the 29th ultimo, directing me to address a representation to the French Government on the subject of the violent seizure at Tunis of the property of a British subject of the name of Benatar, by a nephew of the Prime Minister's steward.

I inclose a copy of a note which I have in consequence sent in to the French Minister for Foreign Affairs.

I have, &c.
(Signed) LYONS.

Inclosure in No. 208.

Viscount Lyons to M. Jules Ferry.

M. le Président du Conseil,

Paris, December 1, 1883.

HER Majesty's Agent and Consul-General in Tunis has reported, by telegraph, to Her Majesty's Principal Secretary of State for Foreign Affairs, that a case has occurred in which the property of a British subject, named Benatar, has been violently seized by a nephew of the Prime Minister's steward.

Her Majesty's Agent reports, moreover, that he has failed to get justice done in the matter, and he states that the proprietor declares himself prepared to defend his rights before the local Tribunal against all claimants, provided that he be in the meanwhile reinstated in the peaceable possession of the property in question, which he has cultivated and built upon for the last three years.

Her Majesty's Government direct me to ask the French Government to send out to the French Representative at Tunis instructions for the immediate restoration of Benatar to the occupancy of the property pending the decision of the competent Court, and I do myself the honour to recommend the matter to the prompt consideration of your Excellency.

I avail, &c.
(Signed) LYONS.

No. 209.

Mr. Reade to Earl Granville.—(Received December 4.)

(No. 59.)

My Lord,

Tunis, November 24, 1883.

WITH reference to General Benayad's complaint as to a trespass on his property at Jedeida, which forms the 7th inclosure of my despatch No. 52 of the 1st instant, a series of official communications were exchanged between the French Residency and myself, of which I have the honour to submit a copy for your Lordship's consideration.

Benayad had already been the victim of various high-handed and illegal acts on the part of the local authorities when the Jedeida affair took place. As one of the principal landed proprietors of the country, he has long been an object of their disfavour and opposition; while the fact of his being, at the same time, a creditor of the Tunisian Government for considerable sums of money, has added not a little to the difficulties of his position. Whether with the object of depriving him of his property and adding it to the State domains, or of merely impairing his credit and reputation, certain it is that, for some time past, he has been subjected to a system of attack, at this Office and before the local Tribunals, which, from the frequency and generally trivial or wholly unfounded nature of the charges put forward, has all the appearance of being regularly organized. Sometimes, however, the attack has manifested itself in a violent and aggressive form, when the interests of the public service, as well as the rights of Benayad, called for immediate reparation. The outrage at Jedeida, which forms the special subject of this despatch, represents one of these occasions.

It will be seen that the original offence was not one of much importance, and that it was susceptible of easy adjustment, but that no reparation was offered. Far from it. The despatch in which I brought the matter to the notice of the Residency was not even answered, and a second communication, written a month later, and reminding the French Chargé d'Affaires of the omission, was treated with the same disregard. It was not until some weeks afterwards, when, owing to an incidental allusion in one of my letters to unacknowledged correspondence, that M. Cambon undertook to reply.

That reply, and the counter-charge (of eradicating olive trees that belong to the State) which, with a view to palliate and even justify the act of trespass, has been brought against General Benayad, I beg to leave to your Lordship's appreciation.

I may be permitted, however, to hope that exemplary notice may yet be taken of the scandalous proceedings of the chief aggressor, the "Oukil" of the "Sadekia," as the impunity with which he has been able to trample on the rights attaching to private property has given rise to impressions of an unfavourable nature (so far as our status in this country is concerned) which nothing but a formal disavowal of those proceedings can remove.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 209.

Mr. Reade to Baron d'Estournelles.

Sir,

Tunis, July 25, 1883.

I HAVE the honour to transmit to you the accompanying copy of a letter I have received from General Sid Hamida Benayad, complaining of what appears to have been a flagrant and illegal trespass committed on some property belonging to him at Jedeida, by Sheikh Salah Ben Sheikh Ahmed, an "Oukil" or Agent of the Sadekia, and two notaries and "Amins" from Tabourba.

The act complained of being so manifestly opposed to the rights and privileges which have, from time immemorial, been accorded to foreign subjects residing in this country by Treaty and local usage, I feel I am happily spared the necessity of troubling

* Amins are Government surveyors.—T. F. R.

you with any detailed comment upon the extraordinary and uncalled-for procedure of the accused parties.

As the guardian, however, of British property and interests in the Regency, I must beg to add my solemn protest to that which is now recorded in the accompanying paper, and request that a strict and searching inquiry be forthwith held into all the circumstances of the alleged outrage, so that if, after due investigation, the charges which are now preferred against the "Oukil" of the "Sadekia" be substantiated, redress may be accorded to my "administré" in a form that will serve as a fitting example to prevent the repetition of similar proceedings in future.

Should a Commission be appointed to verify the facts now alleged against the Sadekia and its employes, I venture to suggest that, with a view to prevent, as far as possible, any misunderstanding as to the details of the inquiry, an officer of this Office, and some person representing Sid Hamida Benayad himself, be permitted to accompany the Commission.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 209.

General Hamida Benayad to Mr. Reade.

M. le Consul-Général, Tunis, le 23 Juillet, 1883.

J'AI l'honneur de vous exposer ce qui suit.

Le 19 de ce mois, "l'oukil" de la Sedkia, le Cheik Salah ben Cheik Ahmed, accompagné de deux notaires et de deux Amins de Tebourba, a pénétré, par un fossé, dans la propriété que je possède à Jedeida, sous le prétexte de vérifier si j'avais enlevé des oliviers dans mon jardin.

Le même Cheik s'est rendu chez le Caïd de Tebourba pour le prier d'obliger certaines personnes à déclarer qu'en effet des oliviers avaient été arrachés. Le Caïd n'a point voulu se prêter à une pareille manœuvre.

Je viens protester contre ce procédé, qui constitue une violation flagrante du Traité intervenue entre le Gouvernement Tunisien et le Gouvernement Britannique, et en vertu duquel aucun agent Tunisien ne peut, pour quelque motif que ce soit, pénétrer dans une propriété Anglaise sans que le Représentant de Sa Majesté Britannique ait, au préalable, donné l'autorisation à cet effet. De plus, la présence du propriétaire et d'un Drogman du Consulat est obligatoire au moment de la perquisition.

Outre cette violation de Traité que j'ai l'honneur de vous signaler, je vous ferai remarquer que si de pareils actes étaient tolérés, nos familles ne seraient plus en sûreté chez elles.

Je vous serai très reconnaissant, M. le Consul-Général, de vouloir bien intervenir auprès des autorités compétentes, afin que des mesures de rigueur soient prises contre l'Oukil de la Sedkia.

En outre, je rends le Gouvernement Tunisien responsable des pertes et dégâts que j'ai subis par le fait de l'Oukil de la Sedkia, comme j'entends le rendre responsable de tous les dommages qui m'ont été occasionnés depuis quelque temps.

Veillez, &c.
(Pour le Général Hamida Benayad),
(Signé) CHARLES PIÉTRI, *Avocat Défenseur.*

Inclosure 3 in No. 209.

Mr. Reade to Baron d'Estournelles.

Sir, Tunis, August 20, 1883.
NOT having received any reply to a letter which I had the honour to address to you on the 25th of last month, with reference to an act of trespass perpetrated on property belonging to General Sid Hamida Benayad, at Jedeida, by an "Oukil," or Agent of the Sadekia, named Sheikh Salah Ben Sheikh Ahmed, and a party of notaries and "Amins" (Surveyors) from Tabourba, I regret to have to bring the matter once more to your

notice, and trust that the illegal and injurious nature of the proceedings complained of will be accepted as an excuse for my thus again troubling you.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 4 in No. 209.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, le 26 Septembre, 1883.

VOUS m'avez fait l'honneur, à la date du 24 Juillet dernier, de me transmettre une protestation contre l'Oukil des Biens du Collège Sadiki, qui aurait pénétré sans droit sur un terrain appartenant, à titre "d'enzel," au Général Hamida Benayad à Jedeida.

Dès la réception de cette protestation, le Gouvernement s'est empressé de la motifier à l'Administration des Biens du Collège Sadiki. J'ai l'honneur de vous adresser ci-joint les copies des réponses de ces deux agents ainsi que la copie du "toudja" objet de la plainte de votre administré.* De l'examen de ces documents, il résulte que le Général Benayad n'est point fondé dans sa réclamation; qu'il a, de plus, contrevenu un Décret Beylical interdisant l'arrachage des plantes d'oliviers; et qu'il s'est approprié une parcelle de terrain à laquelle il n'avait aucun droit.

Quoiqu'il en soit, l'Administration des Biens du Collège Sadiki réclame au Général Benayad le paiement des 300 pieds d'oliviers qu'il a arrachés de la plantation de "Seniet El Tout" et la restitution de la parcelle de terrain que ces oliviers occupaient.

Je vous serai obligé de vouloir bien faire connaître au Général Hamida Benayad cette demande reconventionnelle et m'informer de la suite donnée à cette affaire.

Agréé, &c.
(Signé) PAUL CAMBON.

Inclosure 5 in No. 209.

Mr. Reade to M. Cambon.

Excellency, Tunis, September 27, 1883.

I HAVE the honour to acknowledge the receipt yesterday of a letter without date from your Excellency, replying to a complaint which it became my duty to address to the Residency on the 25th July last, respecting the violation of some property situated at Jedeida, and belonging to General Sid Hamida Benayad, by a party of notaries, Amins, and others, under the immediate orders and direction of an Oukil of the Sadekia Administration.

In answer to the above charge, a copy of a "toudja"† and two written declarations from the accused parties are transmitted for my information. From these papers it appears that the Oukil, Sheikh Salah Ben Ahmed, did not himself personally trespass on Benayad's property, but that an agent of his did so, under orders from the Cadi. The Oukil admits, however, that he went to Jedeida and Tabourba, and that he remained there two days, but that he came away without carrying out the order he had himself obtained from the Cadi. Whether, however, the act complained of was perpetrated by the principal or subordinate Oukil, it is an admitted fact that a violation of the property did take place, as set forth in the original Petition of the 24th July last. General Benayad being amenable only to the jurisdiction of this Consulate-General, it is scarcely necessary I should add that the Cadi had no power or authority to give any order of the kind he is alleged to have done.

It is, therefore, with regret that, on perusing your Excellency's letter, I find no offer whatever of redress for the arbitrary and illegal procedure of the Oukil of the Sadekia, but, on the contrary, a demand on behalf of that Administration for the value of 300 olive trees which Benayad is alleged to have rooted up from a property called the "Seniet el Tout," and the restitution of the ground on which those trees stood. General Benayad, to whom I have communicated the papers inclosed in your Excellency's letter, will in due time reply to the accusation, which is now, for the first time, preferred against him of eradicating olive trees; but your Excellency will under-

* Translations of these papers are given in General Benayad's reply, which forms a separate inclosure (Inclosure 5 in No. 59 of November 24, 1883.—T. F. R.)

† Procès-verbal.

stand that, whether he be guilty or innocent of that accusation, the question we have had to consider in our present correspondence is simply that of the violation of his property by Agents of the Sadekia, in defiance of Treaty and international usage; and I can only repeat my regret that the Tunisian Government has not thought proper to condemn rather than defend the conduct of its employé.

Reserving, in favour of my "administré," the General Benayad, whatever rights may be due to him in the case, I have, &c.

(Signed) THOS. F. READE.

Inclosure 6 in No. 209.

Mr. Reade to M. Cambon.

Excellency,

Tunis, October 23, 1883.

IN pursuance of what I had the honour to communicate in my letter to your Excellency of the 27th ultimo, I beg to transmit herewith General Benayad's reply to the accusation which the Oukil of the Sadekia has thought proper to prefer against him, of having illegally rooted up a considerable number of olive trees that are alleged to have belonged to that Department, and existed at Jedaida on land of which he (the General) is in possession of the "enzel" (lease).

The Tunisian Government having rejected General Benayad's complaint that an act of trespass had been committed on his Jedaida property by Agents of the Sadekia, my purpose to-day is merely to assist him in repelling the counter-charge put forward of eradicating olive trees.

The groundless nature of this charge, which, when General Benayad's position and circumstances are taken into account, was, from the first, apparent, is by the accompanying papers placed beyond question. Had anything of the kind really taken place, it would surely not have rested on the evidence of a single and doubtful witness, but have been a matter of scandalous notoriety in the whole district; but, even were I to grant that the accusation may not be altogether without foundation, I venture to submit that the immense benefits which the General has conferred upon the very property the Oukil of the Sadekia is so solicitous about, by the erection of a large flour-mill, the reconstruction of the barrage, and other works, could very well be taken as a set-off against the alleged disappearance of olive trees.

Having failed in my efforts to obtain reparation for the act of trespass, I am afraid I have little to hope from my present communication; and I therefore leave the Oukil and his calumnious charges to be dealt with by the Tunisian Government as they may think proper.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 7 in No. 209.

General Hamida Benayad to Mr. Reade.

M. le Consul-Général,

Tunis, le 20 Octobre, 1883.

POUR faire suite à la protestation que je vous ai adressée au nom du Général Ben Ayed, le 14 Juillet dernier, et relative à une violation de propriété commise à Djedaida à l'encontre du Général par le représentant de la Sadkia, et en réponse aux explications fournies à la suite de ma protestation par le dit représentant, j'ai l'honneur de vous faire parvenir les observations suivantes.

Le Cheik Hassen ben el Kaid Ahmed soutient qu'il n'était point présent à l'expertise qui a eu lieu à Djedaida; il a, dit-il, délégué, pour y procéder, le Cheik Salah de Tebourba, auquel il avait expressément défendu de pénétrer dans ma propriété. En admettant que le Cheik Hassen n'ait pas été présent, il n'en est pas moins responsable des fautes qui ont été commises par son mandataire.

Or, il résulte des explications écrites fournies par le Cheik Hassen, que son délégué n'a point suivi les instructions qui lui avaient été données. Il est dit, en effet, dans l'Acte de Transport, dont la traduction est ci-jointe, que "les commissaires-enquêteurs parcoururent la 'Seniet Eltout' et comptèrent 106 pieds d'oliviers arrachés, &c." Il est évident que pour avoir constaté la disparition de 106 pieds d'oliviers il a fallu pénétrer dans "Seniet Eltout," car il est matériellement impossible qu'une constatation aussi précise ait pu avoir

lieu du dehors. De plus, vous trouverez jointe à ma réponse la déclaration de divers témoins qui affirment que, dans le courant de Ramadan dernier, ils ont vu pénétrer dans la dite Seniet, les deux notaires de Tebourba, Mohamed Oubika et son frère Hassen; les deux Amins des forêts de Tebourba, Mohamed ben Telja et Azzour ben el Hadj Ayed; enfin, le Cheikh Salah ben el Cheikh Ahmed, Cheikh des Zouaves à Tebourba.

Il est donc incontestable que la propriété du Général Ben Ayed a été envahie par le Cheik Salah accompagné des personnes dont je viens de citer les noms.

A l'accusation portée contre le Général, d'avoir arraché des oliviers, je réponds que dans "Seniet el Tout" il n'y a jamais eu d'oliviers, le nom de "Tout" l'indique suffisamment, car "Seniet el Tout" veut dire jardin de mûriers. Le Cheikh Salah ne l'ignore point; et, pour prouver le contraire, il n'a pas craint de rechercher les témoignages de gens de pays auxquels il a tenu le langage suivant:—

Je désire que vous déclariez que le Général Hamida Ben Ayed a bien coupé quelques oliviers à El Djedaida.

Il n'a pu atteindre le but qu'il se proposait car il lui fut répondu:—

Nous ne pouvons affirmer ce que nous ignorons complètement, n'ayant jamais vu cela.

(La déclaration de ces témoins est jointe à cette lettre.)

D'ailleurs, il suffit de se reporter à l'Acte de Transport pour se convaincre que les allégations du Cheikh Salah sont dénuées de fondement. En effet, les Commissaires enquêteurs déclarent qu'ils ont constaté la disparition de 106 pieds d'oliviers, alors que le Cheikh Salah qui se trouvait sur les lieux avec les Commissaires enquêteurs affirme que le nombre des oliviers arrachés est de 300. Il me suffit de vous signaler cette contradiction flagrante pour faire ressortir la fausseté des accusations portées contre le Général Ben Ayed.

Je ne veux point m'étendre plus longuement sur cette affaire. Vous trouverez, d'ailleurs, sous ce pli, la traduction des pièces Arabes, qui vous fera connaître l'ensemble des faits.

Veillez, &c.
(Pour le Général Hamida Ben Ayed),
(Signé) CHARLES PIÉTRI.

Inclosure 8 in No. 209.

Statement by General Hamida Benayad.

(Traduction.)

LOUANGE à Dieu!

J'ai pris connaissance des griefs exposés dans la plainte de l'illustre Hassen ben el Kaid Ahmed, représentant des Oukafs de la Medersa es Sadikia, par laquelle il prétend que mon représentant avait par mon ordre déraciné des oliviers appartenant à la dite Medersa et sis en la forêt d'El Djedaida, territoire de Tebourba. Tout en y indiquant l'endroit où le décelage aurait eu lieu, il présume prouver cela contre nous par un Acte de Transport ainsi conçu:—

Par ordre de qui de droit (que Dieu l'assiste!) Kadhy de Tebourba, qui l'a communiqué verbalement:—

Les témoins du présent se sont transportés, ce jour, accompagnés par les généreux, les illustres Mohamed ben Ahmed ben Telja, premier Amin des forêts de Tebourba, Azzour ben Ahmed, deuxième Amin au dit, et de l'illustre, le généreux Ech Cheikh Salah ben ech Cheikh Ahmed, suppléant le généreux l'illustre Syd Hassen ben Ahmed el Dziry, représentant des Oukafs de la dite Medersa, qui les a requis.

A l'effet de constater les traces d'oliviers déracinés des Oukafs de la dite Medersa de la forêt d'el Djedaida, territoire de Tebourba, attendu qu'il prétend que le représentant du glorieux, l'élu, le Général Hamida ben Ayed les avait déracinés sans motif plausible.

Étant parvenu à la forêt d'el Djedaida, les témoins du présent, accompagnés comme dessus, parcoururent la dite forêt. Effectivement, en un endroit connu sous le nom de "Seniet el Tout," se trouvait la trace de 106 pieds d'oliviers entièrement arrachés de leurs racines. A leurs places s'élevaient de nouvelles branches à alignement égal et élevées les unes d'un drâa (mesure Arabe), d'autres plus, d'autres moins. A la place d'autres oliviers, rien ne se trouvait. Près de cette Seniet se trouve un espace planté de légumes, après avoir été labouré, biné, et arrosé. On y remarque deux oliviers nouveaux. A l'ouest de la dite Seniet, en face du campement des habitants d'el Kantara du côté est,

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se trouve également un endroit ensemencé de luzerne, après avoir été labouré et arrosé.

Le tout a été vu et constaté par les témoins du présent. Les deux Amins sus-nommés ont déclaré sur les lieux que la "Seniet el Tout" était entièrement plantée d'oliviers et surtout là où poussent de nouveaux germes, et même aux endroits où rien n'a poussé. Et que sur les endroits plantés de légumes ou de luzerne existaient aussi des oliviers d'un alignement égal. Mais que, vers la fin de l'année 1298 (1880), ils vinrent ensemble visiter la forêt à la suite d'une affaire de travail; ils y trouvèrent trois ouvriers en train d'arracher des oliviers. Ils avaient déjà déraciné vingt-neuf pieds d'oliviers de "Seniet el Tout," et trente pieds du second endroit. Chaque arbre était étendu dans son trou et les ouvriers continuaient d'arracher des oliviers. Ils ne peuvent en préciser le nombre, parce qu'il y en avait beaucoup.

A leur interpellation: "Pourquoi faites-vous cela? C'est défendu, et ne peut être fait que par un ordre condescendant, le représentant de Sy Hamida ben Ayed, dont ils ignorent le nom, leur répondit que c'était par ordre de celui-ci qu'ils agissaient. N'ayant aucun pouvoir pour l'empêcher, ils dûrent écrire à l'illustre le Colonel Sy Hassouna ben Mustapha, Conservateur des Forêts, pour l'informer de la quantité d'oliviers arrachés, de la persistance des ouvriers d'en déraciner, et de la réponse du dit représentant."

Le Cheikh Salah présumé fait remarquer que le nombre des oliviers déracinés dépassent 300, que le représentant de Sy Hamida ben Ayed les avait arrachés, et qui le rend responsable. Conclusions complètes.

Ceux qui se sont transportés est à la date du 10 Ramadan, 1300.

Lorsque j'ai pris connaissance que le dit représentant s'était introduit chez moi, je l'ai fait constater légalement par un acte authentique. Étant interrogé sur ces faits, il répondit au Premier Ministre par une lettre conçue en ces termes:—

Votre écrit du 12 de ce mois, accompagné de la plainte datée du 14 Juillet, 1883, nous est parvenue, et nous en avons pris connaissance.

Nous avons l'honneur de vous informer que la Medersa possède à El Djeida différents endroits contenant plus de 7,000 pieds d'oliviers, entre autres à Seniet el Tout. A l'ouest de la dite Seniet se trouve un autre Seniet, près de laquelle se trouve un terrain nu, dont le glorieux, l'Élu, le Général Hamida ben Ayed est "enzelataire," et en jouit à ce titre.

Le dit Général Hamida ben Ayed s'empara de ces endroits plantés d'oliviers, en déracina plus de 300 pieds d'oliviers, et les ajouta à sa propriété, ainsi qu'il appert de l'Acte de Transport qui relate le nombre et l'étendu défriché, acte que vous recevrez ci-joint. De plus, le Général Hamida ben Ayed s'empara des terrains nus situés au milieu des oliviers, et les cultiva en légumes ou autres.

Aussitôt que l'affaire a été portée à la connaissance du Conseil d'Administration, plainte fut portée au Hadj Maleki, qui ordonna à son substitut à Tebourba d'ouvrir une enquête par une "mraslat." Le Général Hamida, quoique régulièrement prévenu, ne se présenta pas. Les enquêteurs, Adouls ou Amins, avaient l'ordre de ne pas pénétrer sur la propriété du défendeur, mais de suivre les traces des oliviers déracinés sur la propriété des Oukafs de la Medersa. Les enquêteurs agirent conformément aux ordres donnés.

Quant à l'avocat Piétri, je ne lui connais aucune propriété en cet endroit. En ce qui concerne sa version que j'étais avec les enquêteurs et que j'ai pénétré dans la Seniet el Tout par un trou, elle est invraisemblable, attendu que je n'étais pas présent à l'enquête; mais j'étais représenté par mon suppléant.

L'acte, les notaires, les Amins, les gens de la ville le constatent.

Voici les faits, je vous en informe, que Dieu vous favorise!

Il s'appuie sur une lettre à lui adressée par son suppléant à ce sujet ainsi conçue:—

Dans le courant du mois de Chaûban dernier, Si Hassen ben el Kaid Ahmed, représentant des Oukafs de la Medersa es Sadikia, est venu chez moi. Il avait entre les mains un "mrasla" du Khady de la cité, adressé au Khady de Tebourba. Il trouva celui-ci absent à Tunis. Il confia alors la dite "mrasla" au fils du dit Cheikh el Kadhy, et alla trouver les notaires, et leur dit: "Je pars pour Tunis, voici le Cheikh Salah ben Cheikh ben Cheikh Ahmed, Cheikh des Zouaoua, qui me remplace." Il partit, et l'affaire resta là. A son retour le Cheikh el Kadhy ordonna à deux notaires et deux Amins de se transporter sur les lieux—c'est-à-dire, la propriété des Oukafs de la dite Medersa—pour y constater le décelage des oliviers.

Nous partîmes par la route d'El Djedeida, et nous parvîmes à la Seniet el Tout, qui est traversée entièrement par le chemin de fer. Là les Adouls, les Amins constatèrent que du côté sud du chemin de fer, qui la traverse, des oliviers y étaient déracinés. Quant au côté nord du dit chemin, les oliviers y étaient intacts. Ainsi que cela est relaté dans l'acte susdit.

Après ces constatations nous nous sommes dirigés en suivant la route Gouvernementale jusqu'à ce que nous parvîmes à un endroit connu sous le nom de Athr el Kehia, appartenant à la dite Medersa. Nous y trouvâmes un champ ensemencé de luzerne entièrement entouré de cactus. Nous n'y entrâmes point. Mais de la route où nous étions, les Adouls et les Amins l'ont constaté, les Amins ayant déjà vu l'endroit pour l'avoir antérieurement visité, ainsi que le constate une lettre par eux adressée au généreux, l'illustre, le vénéré, le Colonel Sy Hassouna ben Moustapha, ex-Conservateur des Forêts.

Le tout est relaté dans l'Acte de Transport de Ramadan dernier.

Sy Hassan ben el Kaid Ahmet m'avait chargé de faire établir un acte de témoignage de ce que les habitants d'El Djedeida savent sur celui qui a déraciné les oliviers et du nombre de ces oliviers.

Le jour de leur rassemblement à Tebourba devant le Gouverneur de la ville pour former le contingent militaire, je leur ai demandé leur témoignage en ce sens.

Tous refusèrent, et m'ont dit: "Laissons-nous en dehors de cette affaire; arrange-toi avec ton adversaire."

J'ai abandonné l'affaire. Le rassemblement s'est dispersé.

Écrit par le Cheikh Salah ben ech Cheikh Ahmed, Cheikh des Zouaoua et suppléant Si Hassen ben el Kaid Ahmed, représentant des Oukafs de la Medersa es Sadikia.

A la date du 29 Mral, 1300.

La réponse aux faits et conclusions exposés ci-dessus par le représentant de la Medersa es Sadikia, Si Hassen ben el Kaid Ahmed, est:—

Relativement aux actes de mon prétendu mandataire dont il ignore le nom; mes mandataires sont généralement connus des gens du pays, notamment par les Amins des Forêts, attendu qu'ils sont en relation directe et constante avec eux. Ceci est donc dénué de fondement. D'ailleurs, il faut qu'il précise bien le nom de ce mandataire, afin qu'il soit obligé d'exhiber mon ordre ou bien prendre charge de ses actions.

En ce qui concerne ses dénégations de s'être introduit chez moi, lui ou son suppléant, l'Acte de Transport sur lequel il s'appuie le prouve suffisamment. Il y est dit: Ils (les enquêteurs) parcoururent la dite Seniet, et ils comptèrent 106 pieds d'oliviers arrachés à la place desquels s'élevèrent de nouvelles branches. Cela ne peut avoir été constaté que sur la place même où les oliviers ont été arrachés. Il est impossible qu'une constatation aussi précise ait eu lieu du dehors. D'ailleurs, j'ai deux déclarations affirmatives que je joins au présent, établissant l'une qu'ils ont pénétré dans la "Seniet el Tout," où il n'y a jamais eu d'oliviers; et l'autre, que le suppléant du dit représentant avait forcé les gens à témoigner faux contre moi, qui heureusement refusèrent. La déclaration des Amins d'avoir vu des gens arracher des oliviers est irrécusable, attendu qu'ils ont dû parler au gardien de la forêt. Pourquoi ce gardien si vigilant, qui devait garder consciencieusement les forêts, n'a-t-il point parlé? Évidemment parce qu'il n'a rien vu. Pourquoi eux-mêmes n'ont-ils pas prévenus l'ancien représentant? Pourquoi n'ont-ils pas prévenu l'ancien représentant? Pourquoi n'ont-ils pas prévenus le Gouverneur de Tebourba, de qui dépendent el Djedeida, puisque les oliviers étaient un bien Beylical?

La lettre du Cheikh Salah prouve aussi qu'ils sont entrés chez moi. Il y dit: "Lorsque nous parvîmes à 'Seniet el Kahia,' nous n'y entrâmes point. Il se tait pour ce qui est de 'Seniet el Tout.' Donc ils y sont entrés! donc ils ont abusé des ordres prescrits dans la 'mraslat' du Cheikh el Kahdy el Maleki."

La responsabilité de cet abus remonte au dit représentant, car son suppléant est comme lui-même.

En ce qui concerne la déclaration des Amins d'avoir vu que des oliviers ont été arrachés en se basant sur la sortie des nouvelles branches, ceci est complètement faux parce qu'il n'y a pas de nouvelles branches, attendu que le "Seniet" n'a jamais été planté d'oliviers. En admettant que leur protestation soit juste toute "Seniet" bien entretenue et bien arrosée produit des plantes que les agriculteurs appellent "Zénou."

J'avais loué à titre "d'enzel" la "Seniet el Tout" plantée alors d'arbres fruitiers, et une autre "Seniet" lui contiguë du côté de l'ouest d'une contenance totale de 600 marjâa. La location a été faite régulièrement après les constatations légales faites par les Amins-experts, géomètres, et les Adouls, par un acte d'enzel dûment scellé par le Chef de l'État et par le Cheikh Bach Muphty el Maleki. L'acte original d'El Djedeida était au nom de Syd Mohamed es Sadek, le feu Bey. Il ne contenait pas "d'habous." Mon acte d'enzel contenait tous les terrains nus, sauf ceux plantés d'oliviers. Il date de 1296, ainsi que cela est relaté sur les copies que le représentant susnommé a entre les mains.

Comment ce fait-il que ce représentant ayant le dit acte à la main nous attaque

encore? Quant à "Thabous" qu'il prétend faire prévaloir, je n'y consens point, pour des motifs que j'exposerai au cas échéant. Seulement je ferai remarquer ceci, c'est que cet acte de "habous" date de 1299, et le décelage aurait eu lieu en 1298. En outre, à la date où les oliviers ont été déracinés, les oliviers d'El Djedeida étaient occupés par un tiers qui n'est sorti qu'en Djoumad 1299, après avoir établi avec le représentant des Oukafs un acte authentique d'acquit à la dite date. Pourquoi le dit représentant n'a-t-il point demandé à l'autre la réparation des dommages causés?

Dans son écrit il prétend que la Medersa possède à El Djedeida plus de 7,000 pieds d'oliviers, ce n'est pas vrai! Je lui défends de considérer mes propriétés comme celles de la Medersa! Qu'il apporte ses actes.

Je repousse donc, de la manière la plus énergique, les allégations du Cheikh Hassen, qui constituent à mon égard une calomnie infâme, indigne d'un homme qui occupe la situation du Cheikh Hassen.

(Signé) HAMIDA BENAYAD.

Inclosure 9 in No. 209.

Affidavits.

(Traduction.)

(Ici se trouve l'empreinte d'un sceau de forme ovale. On y lit, 1299. Son serviteur Mohamed ech Chadly ben Salah.)

LOUANGE à Dieu!

Les témoins du présent connaissent les deux légistes, les deux témoins, notaires de la ville de Tebourba, Mohamed Oubeka et son frère consanguin Hassen, les deux généreux Mohamed ben Telja et Azzouz ben el hadj Ayed, tous deux Amins des Forêts de Tebourba, et le Cheikh Salah ben ech Cheikh Ahmed, Cheikh des Zouaves à Tebourba, d'une façon légalement valable. En outre ils déclarent attester que dans le courant de Ramadan dernier étant réunis, sans but, ni provocation devant le fort, le café, les fondouks, les magasins, et la fabrique nouvellement créée sur le bord de la Medjarda, en face le pont d'El Djedeida, ils virent les susnommés pénétrer dans la Seniet el Tout, plantée d'arbres fruitiers, sise près du fort, des fondouks, et des autres constructions, et exploitée par l'illustre, l'élu, le Général Hamida ben Ayed, sans la présence de celui-ci, ni celle d'aucun de ses représentants. Ils l'ont parcourue, visitée, et en prirent des renseignements.

Ils ne savent ce qui s'en est suivi.

Ils connaissent également la totalité de la parcelle de terre nue contiguë à la dite Seniet du côté de l'ouest, actuellement ensemencée de luzerne d'une façon légalement valable. Ils attestent, en outre, que lorsque l'illustre, l'élu, le Général Hamida ben Ayed y est entré, elle ne contenait aucune plantation, qu'elle était anciennement une aire à battre. Ils connaissent cela depuis qu'ils possèdent la plénitude de leurs facultés intellectuelles, en diversité de leurs âges, jusqu'à présent et même à présent.

Tout ce que dessus est à leur parfait et pour cela ils donnent leur témoignage qui leur a été demandé sur les deux endroits sus-désignés par l'ordre de notre Seigneur le très droit, le très savant le Président du Conseil Consulatatif El Maliky, que Dieu Très Haut l'assiste, communiqué par son huissier le probe, l'illustre, le noble, le savant Mohamed ben Salah.

En date du 1^{er} di Hadja, dernier mois de l'année 1300.

Transcrit à la feuille 104 et à la feuille 80.

Attesté par le généreux Mohamed ben Ali el Djebaly, des habitants d'El Kantara, d'El Djedeida, connu.

Attesté par le généreux Mohamed ben Hassen el Djemâi du dit, connu.

Attesté par le généreux Mohamed ben Boubakr el Trabelsy du dit, connu.

Attesté par le généreux Khomais ben Ali es Samaty du dit, connu.

Attesté par le généreux Brahim ben Mohamed el Methlouthy du dit, connu de ses deux témoins d'honorabilité.

Attesté par le généreux Brahim ben Salah el Trabelsy du dit, connu de ses deux témoins d'honorabilité.

Attesté par le généreux Mohamed ben Ali el Guizany du dit, connu.

* "Habous:" estates for which the Government is trustee.

Attesté par le généreux Ali ben Hassan el Djelasy du dit, connu de ses deux témoins d'honorabilité.

Attesté par le généreux Mohamed ben Salah ben Mansour du dit, connu de ses deux témoins d'honorabilité.

Attesté par le généreux Salah ben Hassen el Djelasy du dit, connu de ses deux témoins d'honorabilité.

Attesté par le généreux Brahim ben ech Cheikh Ali el Djemaïy du dit, connu.

Attesté par le généreux Ali ben el hadj Mohamed es Sematy du dit, connu.

(Ici se trouve l'empreinte d'un sceau de forme ovale. On y lit très difficilement: 1299. Son serviteur Mohamed ech Chadly ben Salah.)

Louange à Dieu!

Les deux témoins du présent déclarent connaître les douze témoins ci-dessus d'une façon légalement valable. En outre, ils attestent qu'ils sont tous gens de bonne foi.

Tout ce que dessus est à leur parfaite connaissance et ils en donnent leur témoignage qui leur a été demandé à la date et par l'ordre que dessus.

Attesté par le généreux, l'illustre Ayed ben Ali ben Khalifa et Trabelsy el Ghariany, l'un des Notables de henchir Kéihia, connu, honorable, digne de foi.

Attesté par le généreux, l'illustre El hadj el Arby ben Amor et Djemaïy du dit, connu, honorable, digne de foi.

Doit être exécuté.

De l'an mil trois cents.

En marge de cet acte se trouve la mention suivante, écrite de haut en bas.

Par l'ordre d'autre part, les témoignages d'autre part ont été rédigés à la date d'autre part.

(Suivent deux signatures paraphées illisibles.)

Pour traduction libre et conforme.

(Traduction.)

Louange à Dieu!

Les témoins du présent déclarent connaître le Cheik Salah ben Cheik Ahmed, Cheik des Zouaoua, en la ville de Tebourba, d'une façon parfaite et valable en justice. En outre, ils déclarent attester que lorsqu'ils se réunirent à Tebourba, par devant le Kadhy de la ville, le Gouverneur et son Khalifat, à l'effet d'inscrire les soldats. Tandis qu'ils commencèrent l'inscription des militaires le Cheik Salah vint à eux et leur tint un discours en ces termes:—

"Je désire que vous déclariez que l'illustre, l'élu, le Général Hamida Ben Ayed a bien coupé quelques oliviers à El Djedeida, parce que vous êtes du hameau d'El Djedeida."

Ils répondirent:—

"Nous ne pouvons affirmer ce que nous ignorons complètement, n'ayant jamais vu cela."

Il partit très courroucée contre eux.

Tout ce qui dessus est à leur parfaite connaissance, et pour cela ils donnent leur témoignage qui leur a été demandé par ordre de notre Seigneur le docte, le très savant, le Président du Conseil Consultatif El Maliky (que Dieu le Très Haut l'assiste!), communiqué par son huissier le probe, l'illustre, le noble, le savant Mohamed ben Salah.

A la date du 1^{er} de El Hadja, dernier mois de l'année 1300. Transcrit à la feuille 104 et la feuille 80.

Attesté par l'illustre, le jurisconsulte, le savant Salah, fils de feu Mohamed ed Draidy el Ménaay, Imam de la Mosquée d'El Djedeida, connu.

Attesté par le généreux, l'illustre Ali ben Hassen, Boulagbacha des Zouaouas du dit El Djedeida, connu.

Attesté par le généreux El Hadji Ali bou Bekre, dit Kalache du hameau d'El Djedeida, connu.

Attesté par le généreux Amor ben Bou Guerra ez-Zouaouy du hameau d'El Djedeida, connu.

Attesté par le généreux El Hadj Amor ben Mohamed et Terhouny du dit hameau, connu.

(Au haut du présent se trouve l'empreinte d'un sceau de forme ovale. On y lit O. 1299. Son Serviteur, Mohamed ech Chadly ben Salah.)

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Louange à Dieu !

Les deux témoins du présent déclare connaître les cinq témoins ci-dessus d'une façon valable et légale. En outre, ils attestent qu'ils sont tous gens de bonne foi.

Tout ce qui dessus est à leur connaissance, et ils en donnent leur témoignage qui leur a été demandé à la date et par l'ordre que dessus.

Attesté par le généreux, l'illustre Mahmoud ben Said ed Draïdy, des habitants de Kantara el Djedeida, connu, digne de foi.

Attesté par le généreux, l'illustre Amar ben Salem el Aaouny des habitants d'El Djedeida, connu, digne de foi.

Doit être exécuté de l'an 1300.

(Au haut de cet acte se trouve l'empreinte d'un sceau de forme ovale, au milieu duquel on lit : 1209. Son Serviteur, Mohamed ech Chadly ben Salah.)

En marge de cet acte se trouve la mention suivante écrite de haut en bas.

Par ordre d'autre part, les témoignages d'autre part a été rédigés à la date d'autre part.

(Suivent deux signatures paraphées illisibles.)

Tunis, le 11 Novembre, 1883.

Pour traduction libre et conforme.

No. 210.

Mr. Reade to Earl Granville.—(Received December 4.)

(No. 60.)

My Lord,

Tunis, November 24, 1883.

IN connection with certain of the subjects of complaint that are referred to in my despatch No. 52 of the 1st instant, some further communications have passed between the French Residency and myself, which I regret to have to bring to your Lordship's notice, and of which I have the honour to annex copies.

A request I some time ago received from M. Cambon, to furnish him with a list of complaints that had been addressed to his office, but to which I had not been favoured with a reply, led to this correspondence; and, being of a polemical nature, as well as unproductive of any satisfactory result, I submit it, with much reluctance, to your Lordship's consideration.

Although relating but partially to the subjects of my past reports, I have felt it may be well to place the whole correspondence before your Lordship, instead of transmitting only such extracts of it as refer to matters already dealt with in other despatches.

Upon certain of the cases mentioned in my report No. 52, and notably upon that of "Benayad v. the Municipality," which forms the 3rd inclosure of that report, some further light is thrown, M. Cambon's conclusions being especially remarkable when treating of the powers of Tunisian functionaries, whether as municipal agents expropriating private property, or as overseers of State domains visiting olive plantations under lease to private individuals who are not amenable to the local jurisdiction. Doctrines in connection with this subject which he has not hesitated to enunciate, and which, in the case of three or four British subjects, have actually been carried into effect, I have felt it my duty to dissent from, as opposed to Treaty and established usage, and in an especial degree compromising to the peace and tranquillity of Her Majesty's subjects.

Having in a former despatch (No. 32 of the 19th June last) remarked upon the arbitrary proceedings of the municipal authorities, I take occasion to again refer to those proceedings as the cause of much difficulty in the relations subsisting between them and myself. If the Inspector-General of Public Works (a French engineer, who is practically in charge of the whole municipal administration) will not keep within the limits of Treaty, and chooses to disregard all the rights of property, it will be impossible for me to compel British subjects to pay the carriage and other taxes, or mulct them for contravention of municipal regulations.

Of M. Caillat, who is mentioned in the accompanying papers, I may say that he is an officer attached to the Municipality; and that, although I had had occasion to complain of the terms in which a public document he had drawn up was couched, no notice was taken of the matter, and I consequently declined to hold any further communication with the Municipality except through the channel of the Residency.

M. Cambon complained of difficulties attending the prosecution of offenders against the Municipal Regulations. The process to be gone through is not as expeditious,

perhaps, or free from formality, as he would desire; and as, owing to a new organization of the Municipality, Regulations which have long been obsolete are all at once revived, charges are brought simultaneously against no less than fifty or sixty Maltese. The Consular Court, although engaged with the ordinary business, which is always considerable, will, I have no doubt, duly dispose of the former.

To meet this unexpected pressure of magisterial work, I suggested that the Municipality, or "Voirie," Department cases should be taken to the "Mejlis-el-Mokhtalat," a minor Court established some years ago with the acquiescence of the Representatives of England, France, and Spain, for the adjudication of claims that did not exceed 300 piastres, or about 7l. 10s., and at which interpreters or other officers representing the French, Spanish, and English Consulates took part under the presidency of a Tunisian official.

Whether it is that the business of this Court was supposed to clash in any way with that which is transacted before the French Tribunal, I cannot say; but M. Cambon strongly dissented from my suggestion, and an easy, expeditious, and certain mode of dispatching all the cases to which I have particularly referred was thus unfortunately discarded.

It is sometimes urged, my Lord, that the state of municipal affairs in Tunis is a fair argument in favour of the abolition of Consular jurisdiction. I have therefore felt it may be your Lordship's desire to be informed as to the foregoing particulars.

Of the other matters of which mention is made in the inclosed correspondence, such as the claims of the Messrs. Benatar and of the families of the victims of the massacre of Oued Zergha and the Kairwan Road, I have only to say they are dealt with in other despatches.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 210.

Mr. Reade to M. Cambon.

Excellency,

Tunis, September 21, 1883.

CONFORMABLY with the request contained in your official letter of the 19th instant, I have the honour to inclose herewith a list of some of the matters pending between this Office and the Tunisian Government, regarding which I have not had the advantage of your reply.

I must add, however, that, in addition to the cases mentioned, there are several others, belonging chiefly to the latter half of the year 1881, and relating in a great measure to affairs on the coast, to which it will be my duty at a later date to recall the attention of the Tunisian Government.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 210.

List of Cases submitted to the Tunisian Government through the Ministry for Foreign Affairs, to which no reply has been received by Her Majesty's Representative.

1. BENAYAD v. the Municipality (violation of property in the Marina quarter of the city of Tunis). *Vide* Mr. Reade's letter of the 18th April, 1883.

2. Affair of M. Caillat's *procès-verbaux*, as transmitted with letter from French Residency of the 10th June, 1883. *Vide* Mr. Reade's letter of the 12th June, 1883, and reference contained in his letter of the 3rd August.

3. Violation of property belonging to General Benayad at Jedeida by agent of the Sadekia. *Vide* Mr. Reade's letters of the 25th July and 20th August, 1883.

4. Benatar v. sons of Hadj Salah Ben Beshir El Abbassy (Benatar prevented from occupying an "enshir" near Mateur which he had legally purchased). Petition communicated with Mr. Reade's letter of the 12th October, 1882. This case was also referred to in Memorandum to M. Cambon of the 17th April, 1883.

5. Benatar's claim in respect of cemetery constructed on his property near Crumb. Petition communicated with Mr. Reade's letter of the 30th December, 1883. This case is also included in the above-mentioned Memorandum to M. Cambon.

6. Petition in favour of families of victims of Oued Zergha massacre communicated with Mr. Reade's letter of the 22nd June, 1882.

7. Petition of M. Vella and others, claiming indemnity on account of massacre on road to Kairwan, communicated with Mr. Reade's letter of the 18th April, 1882.

Inclosure 3 in No. 210.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, 22 Hodjja, 1300 (23 Octobre, 1883).
J'AI l'honneur de vous transmettre ci-inclus les réponses que m'a faites le Gouvernement Tunisien aux diverses questions que vous avez bien voulu m'adresser par lettre du 21 Septembre dernier, au sujet de sept affaires qui n'auraient pas reçu de solution.

Agréer, &c.
(Signé) PAUL CAMBON.

Inclosure 4 in No. 210.

Memorandum respecting the Seven Matters submitted to the Tunisian Government by Mr. Reade.

1. Benayad contre la Municipalité.

LA requête jointe à votre lettre du 18 Avril dernier, a été signifiée à M. l'Ingénieur chargé des travaux municipaux. Cette signification demandée par le requérant a été faite par acte administratif du 25 Avril, 1883.

2. Affaires des Procès-verbaux de M. Caillat.

La Municipalité a été avisée, conformément à votre demande, que votre Agence et Consulat-Général refusait d'entretenir aucune relation avec elle. Malgré les difficultés qui en résultent, elle s'est conformée à votre désir. Le Gouvernement ajoute que les procès-verbaux étaient conçus dans les formes ordinaires; ce serait le Rapport qui y était joint et dont la transmission n'avait d'autre but que de donner à votre Tribunal tous les renseignements parvenus à la Municipalité, qui seul aurait donné lieu aux observations contenues dans votre lettre du 12 Juin, 1883.

3. Violation de la Propriété du Général Benayad à Jedeida.

J'avais l'honneur, le 25 Septembre dernier, de vous adresser les documents produits par l'Administration du Collège Sadiki en réponse aux lettres auxquelles vous vous référez, datées du 27 Septembre dernier. Cette Administration persiste à prétendre qu'elle est en droit d'envoyer ses agents sur le terrain où sont plantés des oliviers qui lui appartiennent. Elle aurait manifesté l'intention de porter ce différend devant le "Chara," qui semble seul compétent pour statuer en la matière.

4. Benatar contre les Fils de Hadj Salah ben Béchir el Abbessy.

Cette affaire n'a pas encore pu être résolue en raison des difficultés qu'elle présente. Le Gouvernement me fait savoir que les défenseurs viennent de produire des allégations qu'il me mettra prochainement à même de porter à votre connaissance.

5. Réclamation de Benatar relative au Cimetière du Kram.

Le Gouvernement Tunisien me donne l'assurance qu'il sera prochainement statué sur cette réclamation. Il ajoute que les retards apportés à sa solution proviennent uniquement du demandeur, qui n'a pas produit à l'Ouzara les documents sur lesquels était basée sa revendication.

6. Pétition en faveur des Familles des Victimes du Massacre de l'Oued Zerga.

Le Gouvernement est tout disposé à accorder à ces familles une indemnité. Il a frappé les principaux coupables d'une amende dont le produit est réservé à cet objet.

Le recouvrement, bien que difficile, se poursuit activement. Il n'est pas permis à l'État de prélever le montant de ces indemnités, même à titre d'avance, sur ces revenus généraux. Il ne saurait en effet reconnaître que les faits dont il s'agit lui imposent aucune obligation, et il ne veut pas faire de versements à titre gracieux tant qu'il ne se sera pas libéré de ses dettes régulières.

7. Pétition de MM. Vella et Consort au sujet du Massacre de la route Karouan.

Le Gouvernement n'a pu, jusqu'à ce jour, découvrir les individus coupables de cet attentat. C'est pour ce motif que MM. Vella et consort n'ont pas encore reçu satisfaction.

Inclosure 5 in No. 210.

Mr. Reade to M. Cambon.

Tunis, October 24, 1883.

Exccllency,
I BEG to acknowledge the receipt of your Excellency's letter of yesterday's date, replying to one in which I had the honour of referring to certain communications I had addressed the Residency which had remained unanswered.

To the explanations you are so good as to furnish on the various subjects of that correspondence—seven in all—I must beg to submit the following observations:—

1. With regard to General Benayad's complaint that employés and labourers in the service of the municipal authorities had, without his authority or consent, entered the property he possesses, in the immediate vicinity of the Régie des Tabacs, and interfered with some workmen of his, who were engaged at the time marking out the boundaries of that property, I am informed that my letter, inclosing the petition of protest, was, in due time, communicated to the Engineer of the Public Works Department. Although that communication was made on the 25th April last, and related to an occurrence in manifest opposition to the expropriation clauses of the Anglo-Tunisian Convention of 1863, no notice whatever appears to have been taken, or explanation vouchsafed, and the objectionable features of the proceeding complained of have been in a corresponding degree aggravated.

2. M. Caillat's procès-verbaux.

The Tunisian Government alleges that these were addressed in the usual terms and transmitted, with the sole object of conveying information to Her Majesty's Consular Tribunal. It is not, however, in conformity with ordinary usage for a subordinate officer, or, indeed, for anybody else, to insinuate that by delaying to reply to a letter for twenty-one days, the Representative of a foreign Government purposely facilitated the contravention of municipal regulations by any of his "administrés." In connection with the matter under consideration, I furthermore stated, in my letter of the 12th June, that I had already had occasion to find fault with M. Caillat's style of communication, and yet no notice has apparently been taken of my remarks. That I should be brought into direct official contact with the municipal authorities cannot, under the circumstances, be matter of surprise.

I may here mention, by way of contrast, a case in which, while my own efforts were being directed to the carrying into effect of the wishes of the Tunisian Government, as expressed in a formal communication from the Residency dated the 5th July last, by compelling a British subject to discontinue the building of a house in this city, M. Caillat actually encouraged that British subject to proceed with his operations, in defiance of the orders given to the contrary; and I had consequently to enforce obedience by applying to the police for assistance. The French Chargé d'Affaires declining to withdraw the request he had officially made for the stoppage of the works, there appeared to some of the parties interested only one way out of the dilemma, viz., by selling the property to a French subject. This was accordingly done, and my interference came thereby to an end. How it has happened that the works, which, while the property was English, were prohibited, have, on the same becoming French, been allowed to go on, I leave others to explain.

3. Violation of General Benayad's property at Jedeida by agents of the Sadekia College and others.

The circumstances are fully remarked on in my despatch of yesterday. I cannot, however, allow to pass without notice the assertion of an alleged right on the part of

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the Tunisian Government to enter into or visit property, belonging to the State, which is leased for a number of years to a British subject, and known in this country by the term "enzel," without any previous understanding being come to with the tenant occupying that property, or with the Consular authority exercising jurisdiction over it. Having on a recent occasion (in my despatch of the 13th ultimo) expressed my dissent from this novel pretension of the Tunisian Government, I must beg to reiterate my inability to acquiesce in the view now enunciated in your Excellency's letter. (Your statement, it is true, is limited to an affirmation of the State's right to send its agents to inspect its olive plantations. Taken, however, in combination with your lately expressed views as to the extent of the powers of the Municipality, and with the declared approbation of the conduct pursued by the local authority in the Porto Farina and Jedeida cases, I am justified in attaching the above signification to the paragraph of your letter I have felt it my duty to take exception to.)

It is scarcely necessary I should add that in case a British subject, holder of a Government "enzel," should refuse his consent to that property being visited by any specially appointed agent of the Government, this Consulate would, on being applied to, arrange for the said property to be so visited.

4. Benatar's claim against the sons of Hadj Salah Ben Beshir El Abbasy for delivery of an "enshir" at Mateur sold to him two years ago.

It is difficult to understand why this matter was not long ago settled. I am, however, glad to learn there is a prospect of an early solution.

5, 6, 7. Claims of Benatar in respect of a cemetery at Crumb, and Petitions on behalf of the families of the victims of the Oued Zergha and Kairwan Road massacres.

I have communicated the information now given to the parties interested.

I have, &c.

(Signed) THOS. F. READE.

Inclosure 6 in No. 210.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, 6 Moharrem, 1301 (le 6 Novembre, 1883).

J'ai l'honneur de vous adresser ci-joint traduction d'une nouvelle note du Gouvernement Tunisien en réponse à votre communication du 24 Octobre dernier.

Agréé, &c.

(Signé) PAUL CAMBON.

Inclosure 7 in No. 210.

Memorandum by M. Cambon.

1. Benayad contre la Municipalité.

LA Municipalité a pris acte de la protestation du Général Hamida Benayad. Le terrain revendiqué par le Général Hamida Benayad est celui d'une rue; il fait donc partie du domaine public. Les droits du Général Hamida Benayad ne pourraient donc que se rendre en une indemnité. C'est à lui qu'il appartient de les établir contradictoirement avec ceux qui les lui contestent, la Municipalité restant hors de cause dans toute cette affaire. Si ces droits sont reconnus par la juridiction compétente, le Gouvernement, conformément aux Articles XI et XII du Traité du 26 Rabia el Tani, 1286, veillera à l'application de l'Article 11 du Décret du 20 Moharrem, 1275.

2. Procès-verbaux de M. Caillat.

M. l'Agent et Consul-Général paraît confondre de nouveau les procès-verbaux avec le Rapport qui les accompagnait. Le Gouvernement Tunisien était nullement tenu d'envoyer ce dernier avec les procès-verbaux; c'est en effet un document d'administration intérieur qui, par sa nature, ne devait pas sortir des mains des fonctionnaires auxquels il était destiné. En le communiquant à M. l'Agent et Consul-Général, le Gouvernement lui

donnait une preuve de confiance qui paraît avoir été mal comprise. Pour éviter de semblables malentendus, le Gouvernement transmet aujourd'hui à M. l'Agent et Consul-Général d'Angleterre les procès-verbaux de contravention de voirie, sans les accompagner des renseignements administratifs qui souvent pourraient éclairer le Tribunal Anglais. De leur côté, les gardes municipaux se trouvent obligés de se rendre aux audiences, au détriment de la surveillance de la voirie. Il en résulte d'assez sérieuses difficultés pour la Municipalité.

Le Gouvernement Tunisien est surpris de l'allégation que la vente à un Français d'un immeuble, au sujet duquel un propriétaire Anglais avait un procès, ait suffi pour terminer le différend. La vente d'un immeuble litigieux est nulle de plein droit, et le Gouvernement s'est toujours refusé à reconnaître comme propriétaire le sujet Français dont il s'agit.

3. Violation de la Propriété du Général Benayad à Jedeida.

A ce sujet l'Agent et Consul-Général d'Angleterre conteste le droit du Gouvernement d'envoyer ses Agents sur celles de ses propriétés qu'il aurait louées à des sujets Anglais. Le Gouvernement n'a pas eu à revendiquer ce droit dans aucune des trois circonstances rappelées par M. l'Agent et Consul-Général.

Dans une seule il se trouve en cause, celle de Porto Farina. Mais dans l'espèce les Agents du Gouvernement sont entrés dans un fort qui n'était loué à personne, et dont seul il a la garde.

Les forts font partie du domaine public, dont l'usage ne saurait être réservé à personne ni interdit sous aucun prétexte aux représentants du Gouvernement.

Le Gouvernement n'a pas eu, nous l'avons vu, à intervenir dans l'affaire de Benayad contre la Municipalité. Celle du Collège Sadiki contre Benayad ne le concerne pas davantage. Cet établissement, qui est propriétaire d'oliviers plantés sur un terrain loué à Si Hamida Benayad, prétend que cette situation anormale crée à ce dernier des obligations particulières. C'est ainsi qu'il ne pourrait faire sur son terrain des travaux ou des cultures de nature à nuire à la production des oliviers.

La propriété de ces arbres donne donc au Collège Sadiki certains droits sur la terre où ils se nourrissent. Le Collège prétend que parmi ces droits se trouve celui de visiter sa propriété, à charge de ne pas endommager celle du Général Benayad. C'est là une question assez difficile à résoudre, et que les Tribunaux seuls sont compétents pour trancher.

Inclosure 8 in No. 210.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 10, 1883.

I BEG to acknowledge the receipt of your Excellency's letter of the 6th instant, inclosing a note from the Tunisian Government, in reply to mine of the 24th ultimo.

As, with regard to the questions to which you refer, views are expressed to which, I am sorry to say, I cannot assent, I must beg to record the following observations:—

1. Benayad's case against the Municipality.

You say that the ground claimed by General Benayad is a street, and therefore part of the public domain; that, in the event of his substantiating his right to the property, he will be able to claim an indemnity; and that the Municipality has consequently nothing to do with the affair.

I regret it is not in my power to acquit the Municipality so easily of the responsibility they have assumed in this affair. It was by the Municipality's employés that the ground was invaded in the manner complained of, and it is from the Municipality that we must look for redress. They, it appears to me, ought, of all people, to have known very well that the ground invaded belonged to Benayad; but, even supposing that a fact so generally notorious had escaped them, it is impossible they should ignore the circumstance that it was at the time occupied by him, and that, whether it was his property or any one else's, certain formalities, which are indicated in the Anglo-Tunisian Convention of 1863, had to be observed, which they did not observe. Among those formalities is the settlement of the question of indemnity, which must be "paid in full, and to the satisfaction of the proprietor, before the act of expropriation can be carried out." These are the precise words of the Treaty.

Having had to refer this case to the consideration of Her Majesty's Government, I

should not have alluded to it again were it not to repudiate, as I now do, the right to which the Municipality lays claim of expropriating private property without first complying with the conditions stipulated by Treaty.

2. *Procès-verbaux* of M. Caillat.

The reason given for official communication to me of an offensive document is not, in my opinion, satisfactory. I can only express my astonishment that it should emanate from the Tunisian Government.

With regard to the difficulties to which you allude as being experienced by the Municipality in the matter of the *procès-verbaux* of the Voirie Department, it appears to me that, although such difficulties are to a certain extent inseparable from all Tribunals, the Tunisian Government would have had better cause to complain if they had not rejected my proposal to allow the charges against British subjects to be taken before the "Mejlis-el-Moktalat," in which case arrangements would have been made for the punctual and regular attendance of a representative of this Consulate.

Respecting the sale of Mr. Dumech's house to a French subject, and the non-execution of the order so formally communicated to me by the Baron d'Estournelles, the facts are as I have related, and cannot be altered by the technical rejoinder of the Tunisian Government.

3. Violation of Benayad's property at Jedeida.

Having failed in my appeals for redress in this case, as well as in those to which you also allude as the Porto Farina affair, and that of Benayad against the Municipality, I have of course referred all three to the consideration of Her Majesty's Government. Pending that reference, any further discussion of those cases would, it appears to me, be as unprofitable as it is to myself disagreeable. I may remark, however, that it has long been apparent to me that the judiciary functions of the Tunisian Government have given place to a system of advocacy which is little calculated to promote the solution of differences. Hence it is that, whether the reparation sought for relates to the Jedeida or Porto Farina cases, aggression on the part of the municipal authorities, or any other grievance, the chance of a favourable reply appears to be very remote, if not altogether hopeless.

I have, &c.
(Signed) THOS. F. READE.

No. 211.

Mr. Reade to Earl Granville.—(Received December 4.)

(No. 61.)

My Lord,

Tunis, November 28, 1883.

WITH reference to my past correspondence on the subject of the arrest and custody of a British subject nicknamed "Paipai" by French military officers, I have the honour to extend my telegram No. 30 of yesterday, by inclosing a copy of a further letter received from M. Cambon, in which he repeats a request which, as reported in my despatch No. 58 of the 22nd instant, he had before made for the appearance of certain British subjects at the French Residency, to give evidence in a criminal suit.

There could be no doubt, my Lord, that the evidence called for was intended for association with proceedings that have been instituted with regard to "Paipai."

Under these circumstances, it appeared to me I could neither participate in, nor in any way facilitate, the proceedings to which the French Minister referred, unless I received an assurance beforehand that the alleged criminal or accused party regarding whom the evidence was to be taken is not a British subject. I therefore replied in terms to that effect, as expressed in a letter of which a copy is respectfully annexed.

In addition to what is above stated, I may be permitted to remark that it is every day becoming clearer that Paipai has had really nothing whatever to do with the attack upon the soldiers, and that the French police have, from the first, followed a wrong track, so far as regards the real offenders. From information which has reached this Office, it is equally improbable that the parties whose evidence has been called for by M. Cambon, or in fact any other Maltese, were implicated in the alleged assault.

Bayonets taken from French soldiers have several times been restored or deposited in the Italian Consulate by Italian subjects. No instance, however, of the kind has occurred in which a Maltese was known to take a part.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 211.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 24 Novembre, 1883.

CONFORMÉMENT aux indications contenues dans votre lettre du 20 de ce mois, j'ai l'honneur de vous prier de vouloir bien faire inviter les sujets Britanniques ci-après nommés, à se présenter au Cabinet du Commissaire Central à la Résidence Française à Tunis, Lundi prochain, 26 de ce mois, à 2 heures de l'après-midi, pour être entendus comme témoins dans une cause criminelle :—

1. Femme Garita, patronne du "Café de Milan," Rue Sidi Abd-el-Agouch.

2. Spero, ancien cocher de M. de Sancy, actuellement cocher chez un avocat de Son Altesse le Bey.

3. Michele, teneur de jeux de loterie.

4. Paolo, même profession que le précédent.

Ces deux derniers témoins sont connus de la police Tunisienne, qui les fera très facilement retrouver.

Agréez, &c.
(Signé) PAUL CAMBON.

Inclosure 2 in No. 211.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 24, 1883.

I HAVE the honour to acknowledge the receipt of your letter of this day, requesting that certain British subjects therein named be directed to present themselves on Monday next, the 26th instant, at the French Residency, in the Office of the "Commissaire Central," as witnesses in a criminal case.

In reply, I beg to state that I am prepared to order that the said British subjects, or as many of them as it may be possible to discover, should so present themselves, provided that I am informed beforehand that the party to be tried is not a British subject, in which case it is scarcely necessary, I should add, it will not be in my power to recognize the right of any other than a British authority to exercise jurisdiction.

I have, &c.
(Signed) THOS. F. READE.

No. 212.

Mr. Reade to Earl Granville.—(Received December 4.)

(No. 62.)

My Lord,

Tunis, November 30, 1883.

WITH reference to my telegram No. 29 of the 26th instant, reporting a serious act of aggression perpetrated upon British property by a Tunisian subject, and my having failed to obtain the reparation due, I have the honour to submit to your Lordship's consideration a copy of all the communications that have passed between the French Residency and myself on the subject.

The estate in question, called "Agdaia," was purchased by Mr. Benatar,* three years ago, from one of the Princesses of the reigning family, the formalities of the law were duly complied with, money and title-deeds exchanged hands, and Benatar entered at once into free and undisputed possession of the property.

In contiguity with this estate is an extensive property belonging the Prime Minister; and Hadj Mabrouk Ennahedi, the principal or ostensible aggressor in the present instance, is a nephew, and, I believe, partner, of Hadj Mussai Ben Hamouda, the head bailiff or steward of that functionary.

Benatar had already firmly established himself in his new possession when the invasion and military occupation of the whole country took place, and it is fortunate for him that this was so, as he would otherwise have experienced the same difficulty in exercising his proprietary rights over it as has arisen in the case of another estate called "Tassa," which he shortly afterwards purchased, but which, as related in Inclosure No. 5 of my despatch No. 52 of the 1st instant, he has never, to this day, been permitted to enter upon or occupy. The two estates, "Agdaia" and "Tassa," adjoin each other, and there can be little doubt it is to the same influences which have succeeded in keeping

* A British subject.

him out of the last-named property that he is indebted for the efforts now made to deprive him of the other.

How far those influences may have prompted the communication which M. Cambon, writing in the name of the Tunisian Government, addressed to me on the 11th instant, can only be inferred. To myself, however, it is abundantly manifest that the Prime Minister and other elevated personages are interested in the discomfiture of the British subject, and although prepared with cheerfulness to submit to whatever course your Lordship may be pleased to indicate, I feel I should not be justified to recommend any other mode of adjustment in the present case than by arbitration.

It is true, my Lord, that, in my communications with M. Cambon, I undertook that the British subject would, after recovering his estate, be prepared to defend his rights before the Tribunal of the "Sharaa" against any one who might present himself as a claimant to that property; and, if the engagement to put the British subject again into possession had been duly carried out, and his right to the property were fairly challenged before the Tribunal above mentioned, the agreement, so far as the British subject was concerned, would have been faithfully executed. As, however, M. Cambon's assurances came ultimately to nothing, and the aggressor, after a so-called imprisonment of three days' duration, has been allowed to return to the scene of the outrage and renew his exploits with redoubled vigour and offensiveness, I feel I am no longer bound to compel the British subject to appear, even before the "Sharaa." As defendant in any suit that may be brought against him, he ought, under ordinary circumstances, to fear no attack. In a case, however, of this nature, and with the opposing influences to which I have already referred thrown into the scale, I do not consider that even the "Sharaa" is any longer to be depended upon.

An Arbitration Commission, if judicially selected, would have no difficulty in coming to a satisfactory solution, and would possess the advantage of being better fitted than any local Court to assess the damages which it may be deemed proper to award under the peculiar circumstances of the case.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 212.

Mr. Reade to M. Cambon.

Excellency,

Tunis, October 15, 1883.

I REGRET to have to transmit to you the inclosed copy of a Petition, whereby Mr. Haim Benatar, a British subject residing in this city, seeks redress against the Tunisian subject named Hadj El Mabrouk Ben Ennadi and his "khamassas" and other employés or servants, for having invaded and forcibly occupied an "enshir" belonging to him and his brother, Mr. Joseph Benatar, near Mateur.

The "enshir" in question is called "El Akdaia," and was purchased three years ago from the Princess Menana Beya, since which time it has been in the occupation of the Messrs. Benatar, who have, as I understand, not only cultivated a portion of the farm, and rented out the remainder to others, but actually built a house on the estate.

Notwithstanding all these facts, the said Hadj Mabrouk and his men, on Friday last, the 12th instant, invaded the property in the manner above mentioned, and immediately commenced to plough it up on their own account.

The right of the British subjects to the property invaded must be well known to the Khalifa or Vice-Governor of Mateur, as it is only through the intervention of the local authorities that a transfer of the same can take place. The refusal, therefore, of the Khalifa to interfere when appealed to by the British subjects' agent was a denial of justice which I venture to hope will be viewed with severity by the Tunisian Government.

Whatever the course which it may be deemed necessary to pursue so far as the Khalifa is concerned, the duty is incumbent in me of recording my most solemn protest against the violation of the rights of property and domicile involved in the present case, and demanding that measures may be at once taken for the immediate expulsion of the aggressive party, Hadj El Mabrouk Ben Ahmida Ennadi and his followers from the petitioner's "Enshir El Akdaia."

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 212.

Messrs. J. and H. Benatar to Mr. Reade.

(Translation.)

Sir,

Tunis, October 14, 1883.

JOSEPH and Haim Benatar, British subjects residing in this city, land-owners, have the honour to bring to your notice what follows: That they are the owners of a large "enshir," situated at Mateur, called "El Agdaia," which had been repeatedly ploughed and sown by them.

That, yesterday, a certain Hadj Mabrouk Ben Ahmida Ennahedi, a Tunisian subject, land-owner, of the village of Mateur, followed by his labourers, took possession of the "enshir" by force, threatening the labourers in the service of the "enshir," and just as if he had been the owner of the "enshir," began to cultivate the land upon it, beginning by ploughing it, thus dispersing the seed which had already been sown by your petitioners.

The representative of your petitioners, a certain El Fallah Ben Ahmed El Misri, although highly provoked by such strange conduct, abstained from having recourse to assault, in order to avoid deplorable and serious consequences. He limited himself to protesting against the violation and spoliation which was being exercised, to the great prejudice of your petitioners, and to presenting a regular plaint to the Khalifa of Mateur, Si El Hadj Aly Groum.

That the said Khalifa, instead of making use of his authority, in order to refrain and punish the aggressors, declared he would abstain from doing so, and he did abstain from giving course to the demand placed before him.

In such a state of things, your petitioners appeal to you that, on learning the true and precise facts of the case, you will transmit a copy of the present Petition to the Government of His Highness the Bey, to serve as a formal and solemn protest against the author and his accomplices of such expropriation, and to hold the same responsible for all the damages and loss occasioned by your petitioners.

While seeking your official protection, and requesting that justice may be immediately had against Hadj Mabrouk Ennahedi and his accomplices, as also against the Khalifa of Mateur, Hadj Aly Groum, who denied justice to your petitioners, your petitioners rely on your valued protection, and have, &c.

(Signed) BENATAR.

Inclosure 3 in No. 212.

M. Cambon to Mr. Reade.

Cher Mr. Reade,

Tunis, le 16 Octobre, 1883.

J'AI l'honneur de vous informer que, sur ma demande, le Premier Ministre a télégraphié au Khalifa de Mateur de remettre immédiatement Benatar en possession de "l'enshir" dont il a été dépossédé. La contestation, s'il y en a une, sera réglée par les Tribunaux compétents; mais, en tous cas, Benatar, en attendant l'issue du procès, ne sera pas troublé dans sa possession.

Votre, &c.
(Signé) PAUL CAMBON.

P.S.—Ci-joint le document que vous m'aviez communiqué.

P. C.

Inclosure 4 in No. 212.

Mr. Reade to M. Cambon.

Excellency,

Tunis, November 2, 1883.

I AM again under the disagreeable necessity of invoking your official intervention in a matter of the most serious nature.

A copy of a Petition, of which I herewith transmit a copy at the request of Mr. Haim Benatar, a British subject, will inform you of a further act of usurpation and violence committed on a portion of his property at Mateur, called "Enshir El Mansour,"*

* This "enshir" or farm, it appears, is part of the "Enshir Agdaia" referred to in the first inclosure—
T. F. R.

by Hadj Mabrouk Ben Mahmoud Ennadi, the same party who, some days ago, possessed himself of another "enshir" belonging to Mr. Benatar, and called "Akdaia."

The circumstances under which the present deed of violence was perpetrated, although to a certain extent similar to those which attended the former instance, are, it appears to me, in a considerable measure aggravated by the persistent lawlessness of the aggressor, and the fact that the question as to his alleged pretension to the property had already been submitted to the Cadi, and was at the time being investigated.

In confirming the protest which has now been recorded against the acts of the said Hadj Mabrouk, I feel bound to request that measures be taken by the Tunisian Government for the immediate expulsion of that person and the whole of his followers from the above-mentioned property of Benatar; that he be held responsible for all the injury that has resulted; and that such further punishment be inflicted on him as may be deemed necessary for insuring the future inviolability of the rights of the British subject.

I cannot close this letter without calling especial attention to the state of insubordination which the present case so lamentably reveals as existing at Mateur. Without acquiescence on the part of the authorities, it is impossible to conceive that a man situated as Hadj Mabrouk is, and enjoying, as I understand, interest of a powerful nature, should dare to repeat his procedure of the other day, in defiance of all law and that regard for another's property which is so sternly insisted on by the stipulations of International Treaty. There can be no doubt that the impunity which attended his former exploit has encouraged him to the perpetration of the present outrage; and I trust that, in asking for his condign punishment, I may count upon meeting with a favourable reply.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 5 in No. 212.

Mr. H. Benatar to Mr. Reade.

(Translation.)
Sir,

Tunis, November 2, 1883.

WHILE I was preparing to reply to the official note of his Excellency the Minister Resident dated the 28th October last, and relating to the claims of Mohamed El Bokri, while I was writing out a protest against the allegations contained in that note, and preparing to show by arguments of law and undoubted documents of unquestionable authority the untenableness of my adversary's pretensions, a telegram just received advises me that a certain Hadj Mabrouk took possession by force of my "enshir" near Mateur, the one called Mansour, and with arms in hand began to dispose of it as if he were the owner.

This matter is so serious that, instead of discussing for the moment the legitimacy of my rights, I am forced to limit myself and protest against force and violence, and to ask for your high protection in order that, humble British subject as I am, I may not be deprived of my property with impunity.

This Hadj Mabrouk is the same party who, some days ago, assaulted another part of my property, and from which he was driven away through your interference and that of the Minister Resident.

This Hadj Mabrouk is the same who persists constantly in some way or other to create to me difficulties and prejudice.

This Hadj Mabrouk is the same who, some time ago, was banished from Mateur by order of his Excellency Kheiredine, then Prime Minister of His Highness the Bey, as turbulent and disturbing the public peace.

The claims brought forward by Mohamed Bokri are merely inspired by Hadj Mabrouk, who lives only on spoliation and rapine.

He has conspired against me, my lands and property, and I am in need of all your protection to free myself of his intrigues and evil doings which he brings to bear upon me, with the help of other Tunisian subjects more or less powerful and of equal bad faith.

I hope you will with your customary energy render me your assistance, so that a prompt and ample justice be done against El Hadj Mabrouk and his accomplices, and if he has any right to claim, let him do so in a legal way, but you will never allow, in the

* This is a mistake: the same "enshir" was invaded over again.—T. F. R.

case of any of your "administrés" that the right of force shall take the place of the force of right.

I have, &c.
(Signed) HAIM BENATAR.

Inclosure 6 in No. 212.

Mr. Reade to M. Cambon.

Excellency.

Tunis, November 10, 1883.

I REGRET to have to complain to your Excellency of a further invasion of the property at Mateur of Mr. Benatar, a British subject, by Hadj Mabrouk Ben Mohamed Ennadi, a Tunisian subject, who, as on the former occasions, has entered with his "khamasa" upon that property, and disposed of it as though it belonged to him, driving all Benatar's people away.

For a description of what has occurred I must refer to the accompanying Petition. In asking for the immediate expulsion of the aggressors, and while protesting against them and holding them responsible for all the damages consequent upon their outrageous procedure, I feel it is my duty to demand also the arrest and imprisonment of the said Hadj Mabrouk.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 7 in No. 212.

Mr. H. Benatar to Mr. Reade.

(Translation.)
Sir,

Tunis, November 9, 1883.

A TREATY between the Tunisian Government and that of Great Britain exists, by which the right of property is extended to British subjects and the Tunisian Government has undertaken the duty of guaranteeing that Treaty and having it respected. The right of property is among all rights the wisest and most incontestable, and it is not permitted to any one to violate it without violating the law that guarantees it.

He who violates the right guaranteed by law violates the law itself, and he who violates the law ought to be punished by him who is called to watch over the observance of the same.

And if he who is called to enforce the law has not sufficient power or authority to do so, he must allow private persons to defend their right themselves.

After the grave facts which I had occasion to bring before you a few days ago, after the promise I had that Hadj Mabrouk would be punished, this very day the violation of my domicile has been again perpetrated by the same Hadj Mabrouk.

If Hadj Mabrouk, against the order of superior authority, is allowed to violate other persons' domiciles, if he is allowed to take the law into his own hands against the law itself, if no one comes forward to defend the right violated, let it at least be allowed to him who is directly offended in his property and substance to oppose force to force, violence to violence. Force and violence could be used by Benatar if he chose in order to put an end to the repeated aggressions of which the said Hadj Mabrouk is the unpunished author.

The petitioner protests against all consequences that may ensue in case further offence on the part of Hadj Mabrouk oblige him to defend himself with the same arms.

Before, however, defending his rights by applying force to force, he thinks it is his duty to have recourse to legal means, and claim the assistance of the authorities. You have already used all the means in your power to obtain from the competent authorities the aid necessary for bringing such acts of usurpation to an end, but the persistency of Hadj Mabrouk is a grave fact, inasmuch as it tends to bring about many incidents which cannot be specified by your petitioner.

Everything has a limit, and the doings of Hadj Mabrouk ought to be repressed by every possible means.

I place my property in your hands, and confide in you only, confident that my hopes are well placed.

I inclose a translation of the affidavit made at Mateur in the presence of notaries,
[1445]

3 A

which establishes the facts of the case, and shows who the accomplices of Hadj Mabrouk were.

I have, &c.
(Signed) HAIM BENATAR.

Inclosure 8 in No. 212.

Affidavit.

(Traduction.)

LOUANGE à Dieu !

Sur l'invitation du distingué, &c., El Hadj Ali ben El Hadj ben Mohamed Groum, actuel Halifa de Mateur, qui nous a fait lui-même, ainsi que le constate son sceau ci-bas apposé accompagnés de l'agent du dit Halifa le Sieur Amour ben Mohammed Berguelli Elgharbi, et à la requête de l'honorable lettre, &c., Moustapha de feu Hassan Hamdoun Elendulsi agissant comme mandataire du négociant Haim ben Abraam ben Attar, et le nommé Abou al Hassen Ali Ben Hassan el Englis el Hannefi, Janissaire auprès de l'honorable Consul-Général Anglais à Tunis.

Les notaires soussignés accompagnés de l'agent du dit Halifa, le Sieur Berguelli Elgharbi, se sont rendus le matin du Mercredi, 7 du mois courant Moharrem, année courante 1301, sur l'Enchir du susdit mandant, Haim ben Attar, connu sous le nom de l'Enchir el Kedia faisant partie des terrains à culture de Mateur, lequel se limiterait selon déclaration du requérant par les titres de la propriété de la manière suivante : Au sud et à l'est par la fleuve dite Oued Ettin, au nord par un chemin qui le traverse également à l'ouest par la route.

Le requérant déclare que le nommé el Hadj el Mabrouk ben Ahmed el Nadi, l'un des cultivateurs d'Enchir el Koussa, district de Tebourba, était venu avec ses quatorze colons et autant de paires de bœufs, violer l'Enchir en question, dont sept du côté sud de la propriété et de l'habitation du dit Enchir, et au nord de Oued Ettin, soit la limite sud de la propriété ; et les sept autres du côté est de la susdite habitation, soit dans la parcelle dite Mechiet el Douar, et que les mêmes avec ses colons avait labouré dans les journées de Vendredi, Samedi, et Dimanche derniers, ce qui était labouré par le propriétaire Haim ben Attar, et que ceci a été fait par violence.

Nous nous sommes trouvés sur les lieux susindiqués accompagnés comme il est dit plus haut, et la première chose que nous avons constatée c'est que les moutons du plaignant se trouvaient cernés sans pâturage au milieu des tentes, et près des gourbis au dehors du terrain labouré, près de Oued Ettin, pâturaient des bœufs et des moutons.

Nous nous sommes tous avancés près du dit endroit, et nous avons pu remarquer que les troupeaux au nombre de 109 étaient gardés par des nommés Taib ben Ali ben Nammia el Trabelsi, et Salom ben el Hafsi Elnahri. Les bergers susnommés ont déclaré que les bœufs appartenaient au susdit Hadj Mabrouk el Nadi, et que c'était lui-même qui les avait autorisés à pâturer dans cet endroit, soit dans le susdit Enchir el Kedia, et qu'il ne le quitteraient pas sans ses ordres. Continuons nos constatations. Nous avons rencontré un autre pâturage conduit par les jeunes gens Junes ben Sahli el Slasi, et son frère Jusef, le troupeau de ce pâturage était au nombre de plus de 100 moutons et brebis avec leurs petits agneaux ; ces bergers ont fait la même déclaration que les bergers précédents.

Nous avons ensuite constaté les deux parties du terrain récemment labouré et semé sur El Meiali, ainsi qu'il a été déclaré par le requérant.

Nous avons ensuite constaté les dégâts dans deux amas de paille et les traces de leur épuisement par les bouches des bœufs, ce que nous avons vu nous-mêmes. Après ces constatations ont comparu devant nous les habitants du dit Enchir, qui a été l'objet d'une usurpation, les nommés :—

1. Ali ben Freg ben el Hefni el Piachi ;
2. Mansour, son frère ;
3. Ben Kassem ben Ahmed el Arbi ;
4. Farhat ben Salah el Arbi ;
5. Ali ben Keibni el Riahi ;
6. Salah ben Ahmed el Arbi ;
7. Mohamed ben Abdallah Elamemi ;
8. Mohamed ben Aman el Naouali ;
9. Hassan ben Salah ben Ismail el Neffati ;

10. Ahmed ben Nester el Ksouri, et le préposé de la propriété, le nommé El Fellah ben Ahmed et son frère le Marabout el Harfaoui.

Lesquels ont déclaré que le susdit Hadj Mabrouk el Nadi les avait surpris avec les colons et à leur tête se trouvaient également les nommés Otman El Azabi et ben Kassem el Nadi, lesquels s'avancant dans leurs habitations les insultèrent, les traitant de Juifs, fils de Juifs, et serviteurs de Juifs, et les menaçant de les chasser de la propriété pour qu'elle devienne déserte.

Se sont présentés ensuite les nommés Aiad ben Brahim el Piachi, Otman ben Mbarek, Ali ben Brahim, tous deux de la même tribu, et Abd Allah, lesquels ont déclaré avoir fait les premiers labours de la terre violée, et que le nommé Hadj Mabrouk ben Ahmed el Nadi leur a fait labourer une seconde fois, comme il a été dit ci-dessus.

Constatations exactes et dépositions complètes des témoins dont acte dressé à la date ci-dessus sur l'invitation et à la requête de qui précède.

Suit la signature des notaires.

(Signé)

MOHAMED BEN EL HADJ AZUZ.
MOHAMMED BEN MOHAMMED ESSERIF.

Inclosure 9 in No. 212.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 10 Novembre, 1883.

EN réponse à la lettre que vous m'avez adressée, sous la date de ce jour, j'ai l'honneur de vous informer que je demande du Gouvernement Tunisien de faire procéder immédiatement à l'arrestation du nommé Hadj Mabrouk ben Mahmoud Emadi.

Il est bien entendu, d'ailleurs, que cette mesure ne saurait préjuger au fond la question pendante entre le dit Mabrouk et le Sieur Benatar.

Agréé, &c.
(Signé) PAUL CAMBON.

Inclosure 10 in No. 212.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 11 Novembre, 1883.

LE Gouvernement Tunisien, en m'accusant réception de votre dépêche du 2 Novembre courant, me fait connaître qu'il a ordonné l'arrestation de El Hadji Mabrouk et son envoi à Tunis.

Il me signale, à cette occasion, l'état d'excitation des populations indigènes des environs de Mateur contre les résidents Européens. Cette situation d'esprit serait due à l'attitude des nommés Ben Attar et Smith, sujets Britanniques. Les tentatives d'empiétement des frères Ben Attar sur les propriétés des indigènes sont incessantes ; elles sont, il est vrai, exercées par les voies judiciaires qui peuvent leur donner une apparence de justice ; mais qui n'en mécontente pas moins les populations indigènes, auxquelles les chicanes sont peut-être plus odieuses que la violence.

Quant à Mr. Smith, sa conduite vis-à-vis des indigènes serait d'une telle dureté qu'il ne pouvait manquer de susciter leur animadversion. Récemment encore cinquante-huit bœufs et vaches appartenant à plusieurs personnes de Mateur ayant, en pâturant, passé sur l'Enchir el Bokrin, dont Mr. Smith est propriétaire, ce dernier donna l'ordre de les mettre en fourrière. Comme il éprouva, bien entendu, quelque difficulté à le faire exécuter, il frappa un indigène, qui riposta immédiatement. Cet indigène prit la fuite, poursuivi par Mr. Smith ; tous deux étaient à cheval. Smith déchargea les six coups de son revolver sur le cheval du fuyard. Celui-ci fut enfin pris et lié, et le Khalifa de Mateur le mit en prison, et ses animaux en fourrière.

En présence d'une pareille situation, le Gouvernement Tunisien est décidé à agir énergiquement, mais, pour que de son action résulte quelque apaisement dans les esprits, il croit nécessaire que de votre côté la répression ne soit pas moins sévère. Il demande donc que les frères Ben Attar ne soient pas encouragés dans leurs entreprises, et que des poursuites soient intentées au Sieur Smith. Il ne doute pas de votre concours pour mettre fin à une situation dont des désordres et des rixes journaliers sont la conséquence inévitable.

petitioner has up to this moment tried to avoid sacrificing his interests for the sake of order and justice.

As regards your petitioner, he gives notice to you that he intends to decline all responsibility, whatever may be the importance of the conflict which he foresees.

Mr. Benatar limits himself for the moment to protest against the violation of his domicile, and for all damages of which he has up to the present been a victim, and he directs his protests not only against Hadj Mabrouk and his accomplices, but also against all persons who have instigated him to the commission of his aggressive acts, whoever they may be, and whatever their grade and position, and also against the Government of His Highness the Bey for what he cannot but regard as a denial of justice.

Your petitioner declares that he cannot oppose violence without in the first place claiming the assistance of the law, and that if that is denied him by the Government, which, instead of suppressing and punishing the brigandage organized by Haj Mabrouk, seems to tolerate it, he will be obliged to abandon his lands. The responsibility of such an act would fall on the Government, who did not at the proper time take the measures required by justice and protect the most sacred of all rights after life and honour, that is to say, the right of property.

In the meantime, to better ascertain and value the damages suffered up to this day, your petitioner begs you to cause a serious and searching inquiry to be instituted for the purpose of ascertaining who the accomplices of Hadj Mabrouk are, and also his co-partners.

Finally, your petitioner begs that justice may be rendered to him against Hadj Mabrouk, so that the latter may discontinue the depredations he has committed so systematically to the petitioner's injury.

I have, &c.
(For Mr. Haim Benatar),
(Signed) Avvocato BENSASON.

No. 213.

Earl Granville to Viscount Lyons.

(No. 1173.)

My Lord,

Foreign Office, December 4, 1883.

I TRANSMIT to your Excellency herewith a despatch from Her Majesty's Agent and Consul-General in Tunis,* relating the circumstances under which a British subject, named Michele Portelli, has been arrested by the French military authorities at that place upon the charge of being concerned in an aggravated assault upon a French soldier.

Your Excellency will observe that at the request of the two injured French soldiers, a tavern-keeper (a British subject), originally suspected of complicity in the offence, was arrested and brought before the proper British Consular authority; but the evidence having failed to support the charge, he was released with the assent of the soldiers, and afterwards another British subject, Portelli, was arrested by French gendarmes and carried before the French military authorities.

I have to request your Excellency to call the attention of the French Government to the circumstances of this case, and urge them to issue instructions for the delivery of Portelli to the jurisdiction of Her Majesty's Consulate-General in Tunis, to be dealt with according to law.

I am, &c.
(Signed) GRANVILLE.

No. 214.

Earl Granville to Mr. Reade.

(No. 27.)

Sir,

Foreign Office, December 4, 1883.

I HAVE received your despatch No. 54 of the 6th ultimo, forwarding a copy of the Decree recently issued by the Bey of Tunis, declaring the city of Tunis and sixteen other places in the Regency to be military strongholds.

Her Majesty's Government presume that this measure has been taken with a view to

* No. 186.

assimilate the system in Tunis to that in force in France; and looking to the fact that the French have established civil Tribunals for Tunis, they do not apprehend that martial law will be proclaimed save in some exceptional emergency.

You do not, however, state whether the Bey's Decree, or any other legal enactments in the Regency, prescribe special Regulations respecting places classified as "places de guerre," and I have to request that you will furnish me with a Report upon this point.

I inclose, for your fuller information, copy of a Decree which appeared in the "Journal Officiel" of the 8th November,* and which will show the special military Regulations applicable to such places in France.

I am, &c.
(Signed) GRANVILLE.

No. 215.

Earl Granville to Mr. Reade.

(No. 28.)

Sir,

Foreign Office, December 4, 1883.

I HAVE received and considered your despatch No. 56 of the 14th ultimo, which deals with the two cases reported in your telegrams Nos. 25 and 26 of the 10th and 11th ultimo respectively, viz. :—

(a.) The arrest of a Maltese, named Michele Portelli, by the French military authorities at Tunis, upon the charge of being concerned in an aggravated assault upon a French soldier; and

(b.) The visit of a French officer and two non-commissioned officers, without rifles, to a café owned by a Maltese named Jalea, in order to claim a bayonet alleged to have been taken from a French soldier, and to be concealed on the premises.

As regards the first case, I have to convey to you my approval of the action which you have taken in the matter, and to inform you that Her Majesty's Ambassador at Paris has been instructed to urge the French Government to send out immediate instructions with a view to the delivery of Portelli to the jurisdiction of Her Majesty's Consulate-General, to be dealt with according to law.

I am unable, however, to concur in the view which you have taken of the second case, above mentioned, as I gather from the correspondence that the visit was not of a domiciliary character, and I observe that the French authorities clearly repudiate having intended anything of the kind.

Under these circumstances, therefore, I am of opinion that the matter should be allowed to drop.

I am, &c.
(Signed) GRANVILLE.

No. 216.

Earl Granville to M. Catalani.†

M. le Chargé d'Affaires,

Foreign Office, December 4, 1883.

IN reply to the note which you did me the honour to address to me on the 17th ultimo, I beg to inform you that Her Majesty's Government have received from their Representative in Tunis intelligence of a similar character to that which has reached the Italian Government. It is to the effect that the city of Tunis and sixteen other places, including Bizerta, have been declared by a Decree of the Bey to be military strongholds.

Her Majesty's Government are not as yet informed whether the Bey's Decree, or any other legal enactments in the Regency, prescribe special Regulations respecting places classified as "places de guerre," such as are issued in France under similar circumstances; but they entertain little doubt that the measure in question has been taken with a view to assimilate the system in Tunis to that which is in force in France, and they do not apprehend that military law will be proclaimed except under pressure of some special emergency.

I have, &c.
(Signed) GRANVILLE.

* Inclosure in No. 169.

† Also to the Marquis de Casa Laiglesia.

Lord E. Fitzmaurice to Messrs. McNaught, Pearse, and Middleton.

Gentlemen,
I AM directed by Earl Granville to acknowledge the receipt of your letter of the 27th ultimo upon the subject of the complaints preferred by you against the Moorish Government.

I am, &c.
(Signed) EDMOND FITZMAURICE.

No. 218.

Earl Granville to M. Catalani.

M. le Chargé d'Affaires,
WITH reference to my letter to his Excellency Count Nigra of the 13th August, I have the honour to inform you that the Spanish Minister at this Court has recently inquired what are the views of Her Majesty's Government as to the interpretation of the Articles of the International Convention, signed at Madrid in 1880, for the settlement of the different questions relating to the right of protection exercised by the foreign Legations and Consuls in Morocco.

In reply, I have furnished the Marquis de Casa Laiglesia with a copy of the Protocol of the meeting of the foreign Representatives held at Tangier on the 29th May last, and I have informed him that the language held by Her Majesty's Representative in Morocco upon that occasion accurately represents the views of Her Majesty's Government.

I beg to inclose a copy of the said Protocol for your own information.

I have, &c.
(Signed) GRANVILLE.

No. 219.

Earl Granville to the Marquis de Casa Laiglesia.

M. le Ministre,
WITH reference to the Memorandum which you were good enough to communicate to me on the 23rd ultimo, inquiring, by desire of your Government, what are the views of Her Majesty's Government as to the interpretation of the Articles of the International Convention, signed at Madrid in 1880, for the settlement of the different questions relating to the right of protection exercised by the foreign Legations and Consuls in Morocco, I have the honour to inclose a printed copy of the Protocol of the meeting of the foreign Representatives held at Tangier on the 29th May last to discuss this question,* and I beg to refer you to the language held by Her Majesty's Representative in Morocco upon that occasion as accurately representing the views of Her Majesty's Government.

I have, &c.
(Signed) GRANVILLE.

No. 220.

Mr. Abbs to Sir J. Pauncefoot.—(Received December 7.)

*Law Officers' Department, 549, Royal Courts of Justice,
December 6, 1883.*

Sir,
I AM directed by the Law Officers to inform you that they desire to know, with reference to this case, what were the terms of the new obligations issued to the creditors of Tunis under the authority of the Finance Commission of 1870.

The Law Officers gather that they were made payable in 1885. But whether this was the fact, and what the exact terms were, may be material on the question submitted to them.

I have, &c.
(Signed) JAS. ABBS.

* See Part IV, Inclosure 2 in No. 136.

No. 221.

*Act agreed upon by the Finance Commission for the Settlement of the Tunisian Debts.—
Tunis, March 23, 1870.*

LE Comité Exécutif, en vertu des attributions qu'il tient de l'Article 8 du Décret du 5 Juillet, 1869,* et pour mettre à exécution les bases d'arrangement dont le projet déjà approuvé par la Comité du Contrôle, signé par son Altesse le Bey, est annexé aux présentes, propose au Comité de Contrôle l'adoption des dispositions suivantes, qui, après avoir été rendues exécutoires dans les conditions prescrites par l'Article 11 du Décret susmentionné, seront soumises à la ratification de son Altesse le Bey, et acquerront ainsi force de loi. Dès que ces formalités auront été remplies, il sera remis aux membres du Comité de Contrôle trois expéditions authentiques de ces dispositions, pour être déposées dans les archives de chacun des Consuls-Généraux des trois Gouvernements d'Angleterre, de France, et d'Italie, sous le patronage desquels le présent arrangement a été conclu. L'exécution de cet arrangement sera également placée sous la sauvegarde des trois Gouvernements, jusqu'à extinction complète (intérêts et capitaux) de la dette qui en est l'objet.

La fusion des dettes de diverses catégories existant aujourd'hui est et demeure résolue. Elle sera accomplie dans les proportions qui seront arrêtées par la Commission Financière, en exécution des Articles 4, 5, 8, et 11 du Décret du 5 Juillet, soit par catégorie entière de titres, soit pour chaque titre isolément.

L'échange des titres de diverses natures existant aujourd'hui contre des obligations nouvelles d'un type unique s'opérera d'après les bases arrêtées déjà par la Commission Financière, et qui seront indiquées plus loin.

Les obligations nouvelles seront au porteur; elles représenteront un capital nominal de 500 fr., et donneront droit à 25 fr. d'intérêt annuel, payable par semestre (1^{er} Janvier et 1^{er} Juillet); elles seront imprimées en Arabe et en Français, afin d'être plus facilement négociables à l'étranger et à Tunis.

C'est au Conseil d'Administration, dont il sera parlé plus loin, qu'il appartiendra de prendre, sous le contrôle et la surveillance du Comité Exécutif, toutes les mesures nécessaires pour assurer le paiement des coupons, qui pourra être réclamé par les porteurs, dans l'une des quatre villes de Paris, Londres, Florence, et Tunis; les frais qui résulteront de ces mesures seront à la charge de la caisse commune appartenant aux créanciers. A chaque obligation nouvelle seront joints trente coupons semestriels. Les obligations qui ne seraient pas amorties à l'expiration des quinze années, correspondantes à ces trente coupons, seront alors échangées contre de nouvelles obligations munies de leurs coupons, ou donneront seulement lieu à la délivrance d'une nouvelle série de coupons devant accompagner les anciens titres, suivant qu'il sera décidé à cette époque. Les obligations qui seront émises par suite de la présente opération jouiront jusqu'à leur rachat intégral de tous privilèges d'antériorité sur les dettes que le Gouvernement Tunisien pourrait contracter dans l'avenir dans les cas et suivant les formalités indiquées par l'Article 9 du Décret du 5 Juillet. L'échange des titres actuels de la Dette Tunisienne contre les obligations nouvelles s'opérera dans les proportions suivantes:—

Chaque obligation des Emprunts 1863 et 1865 donnera droit à une obligation nouvelle.

1^{re} Conversion.—Cinq obligations de cette conversion seront représentées par six obligations nouvelles.

2^{re} Conversion.—Dix obligations actuelles donneront droit à neuf obligations nouvelles.

3^{re} Conversion.—Cinq obligations de cette conversion donneront droit à deux obligations nouvelles.

4^{re} Conversion.—Soixante obligations anciennes seront représentées par cinquante et un nouvelles.

Pour la Dette Flottante.

1^{re} Catégorie.—500 fr. de capital donneront droit à une obligation nouvelle.

2^{re} Catégorie.—715 fr. de capital donneront droit à une obligation nouvelle.

3^{re} Catégorie.—1,250 fr. de capital donneront droit à une obligation nouvelle.

4^{re} Catégorie.—2,500 fr. de capital donneront droit à une obligation nouvelle.

Le Gouvernement Tunisien s'engage à n'imposer sous quel prétexte, à quelle époque, et dans quelle circonstance que ce soit, aucune taxe, ni droit de timbre, sur ces obligations, pas plus que sur les coupons d'intérêts.

Le Conseil d'Administration dont la création est déjà résolue aura pour mission

* State Papers, vol. lxx, p. 742

de diriger et de surveiller la réalisation des revenus concédés, d'en centraliser le produit, et d'en administrer l'emploi. Ces revenus seront la propriété commune de tous les créanciers de l'État. Le Conseil procédera à ces diverses opérations pour le compte des créanciers sous sa responsabilité personnelle et sous le contrôle et la surveillance du Comité Exécutif. Il se composera de cinq membres, qui pour la première fois seront tous nommés directement par la Commission Financière, à l'exception du membre Tunisien, qui sera désigné par le Comité Exécutif seul. Les autres dispositions relatives à l'organisation de ce Conseil feront, ainsi que les conditions principales de la gestion des intérêts qui lui seront confiés, l'objet d'un règlement spécial qui sera préparé par le Comité Exécutif et deviendra exécutoire suivant les formalités exigées par l'Article 11 du Décret.

Le présent arrangement et les stipulations qui en découlent sont consenties au profit de tous les créanciers actuels, moyennant la cession faite par Son Altesse le Bey, spontanément, librement, et dans le plein exercice de ses pouvoirs souverains à tous ses créanciers, solidairement, indivisément, des revenus ci-après désignés dont le produit sera employé intégralement par les soins du Conseil d'Administration, sauf les restrictions énoncées plus loin, au service soit des intérêts, soit de l'amortissement, par la voie du rachat, soit de frais d'administration de toute nature, et ce jusqu'à l'extinction complète de la dette qui sera liquidée et arrêtée par la Commission Financière. Ces revenus sont les suivants :—

	Frs.
Mahsoulat de Soussse et Monastier	400,000
Rahbas de Tunis	97,000
Douanes de Tunis (importation)	500,000
Droit de la Caroube à Tunis	100,000
Douane de Sfax	45,000
" Gabes	8,000
" Soussse	25,000
" Monastier	
" Mediah	
Ferme des tabacs	220,000
Droit sur les vins	55,000
Marché au bois et charbon	45,000
Ferme du plâtre	60,000
" poulpes et éponges	55,000
" sel	110,000
Mahsoulat de la Goulette	20,000
Kanoun des Oliviers de Soussse, de Monastier, de Mediah, et de Sfax	850,000
Kanoun de Ouaten	150,000
Elkably	
Mahsoulat et Douanes de Gerbi	90,000
Droit sur la pêche du corail	8,000
Droits d'exportation	2,640,000
Oetroi	350,000
Droit du timbre	300,000
Ferme du poisson	100,000
Mahsoulat de Biserte	80,000
" Sfax	100,000
" Ouaten Elkably	85,000
" Mediah	12,000
Total	6,505,000

Ces revenus sont concédés en pleine et entière jouissance aux créanciers dans le présent et pour l'avenir, jusqu'à extinction de la dette actuelle, et quelles que soient les modifications de taxes ou de tarifs qui puissent intervenir; mais le mode de cette jouissance variera suivant la nature des revenus eux-mêmes, et surtout suivant qu'il s'agira de revenus dont la perception pourrait être gérée directement pour le compte des créanciers ou de revenus à percevoir dans l'intérieur du pays.

Les revenus des Mahsoulat, des Douanes, des tabacs, seront perçus en régie, ou au moyen de leur mise en ferme, selon que l'un ou l'autre de ces deux modes sera jugé préférable dans l'intérêt des créanciers par le Conseil d'Administration. La perception en régie est l'administration directe par les membres du Conseil d'Administration. La mise en ferme aura lieu par adjudication avec concurrence et publicité; les conditions particulières imposées aux fermiers feront l'objet d'un cahier des charges, qui sera publié plusieurs jours avant l'adjudication. Ces adjudications auront lieu dans un local dépendant du Ministère et en présence d'un membre du Comité Exécutif.

Dans le cas où le membre de ce Comité ne se présenterait pas au jour et à l'heure fixés pour la mise en adjudication, le Conseil aura le droit de passer outre, s'il le juge utile.

Le droit de timbre sera perçu directement par le Conseil d'Administration dans la même forme qu'il l'est aujourd'hui par les Commissaires de la conversion d'Août.

Pour la perception du Kanoun des Oliviers du Sahel, de Ouaten Elkably et de Sfax, il sera délivré par le Gouvernement au Conseil d'Administration 50 amras ou délégations, correspondantes à cinquante années sur les Caïds, ordonnant à ces agents qui demeureront chargés du recouvrement, sous la direction et la surveillance du Comité Exécutif, de verser dans la Caisse du Conseil, ou entre les mains de ses représentants dûment accrédités, toutes les sommes qu'ils percevront. Les reçus que les Agents du Gouvernement auront à remettre aux contribuables devront pour être valable porter le visa d'un Délégué du Conseil d'Administration.

Au moment où le présent arrangement ratifié par Son Altesse devra être mis à exécution, le Gouvernement délivrera au Conseil d'Administration une quantité suffisante de theskérés d'exportation à l'usage des différents ports d'embarquement de la Régence.

La gestion de ces divers revenus, quel qu'en soit le mode, ainsi que les opérations de caisse et de comptabilité qui en seront les conséquences, s'exécuteront sous le contrôle et la surveillance du Comité Exécutif.

Comme conséquence de l'engagement pris par Son Altesse le Bey dans Article 8 du Décret du 5 Juillet, le Gouvernement s'engage à faciliter l'exécution de toutes les opérations relatives à la perception des revenus concédés.

Les taxes ou tarifs actuellement en vigueur sont maintenus pour ceux des revenus ou impôts concédés qui sont soumis à ce mode d'assiette; toutefois le Gouvernement se réserve la faculté de pouvoir, en consultant le Conseil d'Administration, apporter soit dans les tarifs de Douanes, soit dans le mode d'assiette ou d'exploitation d'autres revenus (le tabac par exemple), les modifications qui seraient jugées de nature à en améliorer le produit tout en favorisant l'intérêt général du pays.

Le produit annuel des revenus concédés est évalué à 6,500,000 fr., sommes reconnues nécessaires pour le service de la dette liquidée au 20 Février dernier, conformément aux stipulations du présent arrangement. Le Gouvernement en garantit la réalisation, mais seulement jusqu'à concurrence de 5,000,000 fr. pour la première année, de 5,500,000 fr. pour la suivante, et de 6,000,000 pour la troisième. A partir de la quatrième année et pour toutes les suivantes, sa garantie portera sur la somme intégrale. En conséquence tout déficit sur l'une des sommes ci-dessus constatées à l'expiration de l'année correspondante, sera comblé au moyen du prélèvement d'une somme égale sur les autres revenus de l'État que le Comité Exécutif est chargé de percevoir aux termes de l'Article 9 du Décret.

Si le produit des revenus concédés s'élevait à une somme supérieure de 6,500,000 fr., sans dépasser toutefois 8,000,000 fr., l'excédent serait employé à l'amortissement de la dette par la voie du rachat au cours du jour.

Tout excédent au delà de 8,000,000 fr. serait partagé également entre les créanciers de l'État: la part revenant aux premiers sera affectée à l'amortissement dans les mêmes conditions que ci-dessus; celle attribuée à l'État serait employée en travaux d'utilité publique exécutés par entreprise par adjudication passée avec concurrence et publicité, et d'après des devis établis par des hommes spéciaux.

Il sera fait au Gouvernement sur les fonds existant dans la Caisse du Conseil d'Administration pour cette première année une avance de 1,000,000 fr. au maximum, remboursables sans intérêts dans un délai de six mois au plus: dans l'avenir une avance de même somme pourra être faite dans les mêmes conditions que ci-dessus, mais seulement dans le cas de nécessité urgente constatée par le Comité Exécutif.

Le Gouvernement de son Altesse le Bey prend enfin l'engagement vis-à-vis des trois Puissances amies, comme vis-à-vis de ses créanciers, de persévérer dans la voie tracée par le Décret du 5 Juillet, de maintenir ses dépenses dans les limites des crédits ouverts par le Budget qui sera préparé chaque année par le Comité Exécutif, d'employer ses ressources disponibles en travaux d'utilité générale.

Remboursement des Coupons Arriérés.

Il sera créé à cet effet pour chacun des titres actuels portant des coupons d'intérêt, de quelque catégorie qu'ils soient, un certificat distinct portant la somme qui sera allouée comme indemnité représentative des coupons échus et non payés. Ces certificats seront joints individuellement aux obligations nouvelles, au moment de leur échange contre les anciens titres: ils seront au porteur et seront remboursés sans intérêts par voie de tirage au sort, au moyen du produit résultant de l'augmentation des tarifs actuels de Douane à l'entrée.

Dispositions Transitoires.

En raison des intérêts considérables qui se trouveraient gravement compromis par tout nouveau retard dans la mise à exécution du présent arrangement, le Comité Exécutif

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ALL WITHOUT PERMISSION OF THE
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propose de décider que, immédiatement après la ratification de cet arrangement par Son Altesse le Bey, les membres du Comité de Contrôle revêtus par les créanciers des pouvoirs les plus étendus, prendront provisoirement en main l'administration des revenus concédés et les géreront en se conformant aux clauses et conditions énoncées précédemment, jusqu'à ce que le Conseil d'Administration ait été constitué, et que le règlement relatif aux opérations de ce Conseil ait été rendu exécutoire.

En conséquence, les commissaires des conversions devront à cette même date, en réglant leurs comptes avec le Gouvernement, remettre aux membres du Comité de Contrôle tous les titres relatifs aux garanties administrées par eux en vertu de leurs contrats respectifs; ces garanties devant être considérées à partir de la date ci-dessus, de même que celles appartenant aux obligataires des Emprunts de 1863 et de 1865, comme étant la propriété de la masse des créanciers. Mais il est bien entendu que si par une cause quelconque le présent arrangement ne recevait pas son plein et entier effet, les obligataires et les conversionnistes rentreraient, sous les conditions inscrites dans les anciens contrats, en possession de leurs garanties respectives, ainsi que des titres y afférents; ces dernières valeurs se trouvant ainsi déposées provisoirement entre les mains des membres du Comité de Contrôle, qui en seront responsables envers les détenteurs primitifs.

Tunis, le 23 Mars, 1870.

(Signé)

KHÉREDIN.
VILLET.
MOHAMED.
M. SANTILLANA.
GAETO. FEDRIANI.
M. P. LEVY.
G. GUTTIEREZ.
ALBERT DUBOIS.
BONFILS.

Pour copie certifiée conforme à l'original déposé dans les archives de la Commission Financière.

(Signé)

KHÉREDIN.
VILLET.
MOHAMED.

A la fin du texte Arabe est écrit: Vu ce qui est écrit dans cette page et les six pages précédentes et nous en approuvons le contenu.

Écrit le Mercredi, 22 du mois de Zil Hadja, 1286.

(Signé)

MOUSTAPHA.

(L.S.)

MOHAMMED ESSADOK BEY.

No. 222.

Earl Granville to Viscount Lyons.

(No. 1185. Secret.)

My Lord,

Foreign Office, December 7, 1883.

I INCLOSE, for your Excellency's information, copies of correspondence, as marked in the margin, with Her Majesty's Minister at Tangier, upon the subject of French policy in Morocco.*

I am, &c.

(Signed) GRANVILLE.

No. 223.

Earl Granville to Sir J. Drummond Hay.

(No. 50. Secret.)

Sir,

Foreign Office, December 7, 1883.

I HAVE received and laid before the Queen your despatch No. 92, Secret, of the 15th ultimo, upon the subject of the relations between Morocco and France, and I have to state to you that Her Majesty's Government entirely approve the judicious advice which you have tendered to the Sultan in the Secret Memorandum, copy of which is inclosed in your aforesaid despatch.

* Nos. 190 and 223.

I have also read with much interest and attention your suggestions respecting the neutralization of the Straits of Gibraltar, and the adoption by the Powers of a self-denying Ordinance against the occupation of any part of the coast of Morocco.

Her Majesty's Government doubt, however, whether at the present moment it would be prudent to take any steps in so delicate a matter. But they will bear your observations in mind, and they have full confidence that you will continue to watch with attention M. Ordega's proceedings.

I am, &c.

(Signed) GRANVILLE.

No. 224.

Earl Granville to Sir R. Morier.

(No. 124. Secret.)

Sir,

Foreign Office, December 7, 1883.

I TRANSMIT to you herewith, for your information, copy of a despatch which I have addressed to Her Majesty's Minister at Tangier* in reply to his despatch No. 92 of the 15th November, upon the subject of French policy in Morocco.

I am, &c.

(Signed) GRANVILLE.

No. 225.

Earl Granville to Mr. Reade.

(No. 29.)

Sir,

Foreign Office, December 7, 1883.

WITH reference to your despatch No. 58 of the 22nd ultimo, I have to state to you that I approve the note which you addressed to Baron d'Estournelles on the 20th November, explaining why you were unable to accede to M. Cambon's request, that the depositions of certain British subjects should be taken with reference to a recent assault upon two soldiers of the French army of occupation.

I am, &c.

(Signed) GRANVILLE.

No. 226.

Viscount Lyons to Earl Granville.—(Received December 8.)

(No. 828.)

My Lord,

Paris, December 6, 1883.

I HAVE this morning had the honour to receive your Lordship's despatch No. 1173 of the 4th instant, directing me to make a representation to the French Government respecting the case of a British subject named Portelli, who appears to be kept in prison by the French military authorities at Tunis.

I have the honour to transmit herewith to your Lordship a copy of a note which I have addressed in consequence to the French Minister for Foreign Affairs. The extract which I have annexed to it from Mr. Reade's despatch No. 56 of the 14th ultimo begins with the words "Some nights ago—I believe it was" (Paragraph 3), and concludes with the words "ensued between us" (Paragraph 7); nothing being omitted but the words "of which a copy is herewith inclosed," near the end of this last paragraph.

I have, &c.

(Signed) LYONS.

Inclosure in No. 226.

Viscount Lyons to M. Ferry.

M. le Président du Conseil,

Paris, December 6, 1883.

THE inclosed extract from a despatch addressed to Earl Granville on the 14th ultimo, by Her Majesty's Agent and Consul-General at Tunis, will make your

* No. 223.

Excellency acquainted with the circumstances under which a British subject, named Portelli, has been arrested by the French military authorities at that place, upon the charge of being concerned in an aggravated assault upon two French soldiers.

Your Excellency will observe that, at the request of the injured French soldiers, a tavern-keeper (also a British subject), originally suspected of complicity in the offence, was arrested and brought before the proper British Consular authority, but was set at liberty the next morning with the acquiescence of the soldiers, there being no reason adduced for his further detention.

It appears, however, that on the night of the disturbance Portelli was arrested by French gendarmes and carried before the French military authorities; and Her Majesty's Government has instructed me to bring the circumstances of this case to the notice of the French Government, and to ask them to issue instructions for the delivery of Portelli to Her Majesty's Consul-General, to be dealt with according to law.

I have, &c.
(Signed) LYONS.

No. 226*.

Messrs. McNaught, Pearse, and Middleton to Sir J. Pauncefote.—(Received December 8.)

Sir, 9, Crosby Square, London, December 7, 1883.
REFERRING to the writers' interview with you on last Wednesday, when you kindly expressed your willingness to accept and peruse certain documents bearing on the claim of the Sûs and North African Trading Company (Limited), we have now the pleasure to inclose same, and trust, Sir, that after you have given the case that careful consideration you so kindly promised, and which we humbly think it deserves, that you will see the validity of our claim, and be able to lay it in such a manner before Earl Granville that it will obtain his recognition and support.

Any further documents or information you may require will be gladly furnished by, Sir, your, &c.

(Signed) McNAUGHT, PEARSE, AND MIDDLETON,
Agents to the Sûs and North African Trading Company (Limited).

Inclosure 1 in No. 226*.

Mr. W. J. McNaught to Sir J. Drummond Hay.

Your Excellency, Tangier, October 29, 1883.
AVAILING myself of your kind permission to lay before you the particulars of the Sûs and North African Trading Company's claims, I have the honour to state that some time ago Mr. Curtis, of Mogador, brought under the notice of our firm in London certain papers purporting to be Treaties entered into by himself, Messrs. Yule, Broom, and Brauer, of Mogador, on the one hand, and the Chiefs of the Ait Bou Amran on the other, who are said to be independent tribes in the Sûs districts beyond the dominions of His Majesty the Sultan of Morocco. Mr. Curtis, being furnished with full powers by his co-partners for that purpose, proposed that we should purchase their rights of trading at Ait Bou Amran on certain terms. Our firm and several of our friends in England had these documents examined and translated by Dr. Badger, of London, who reported them as correct and in order. This fact, coupled with a desire to promote and extend the British trade in those regions, as yet only imperfectly and partially opened for trading, induced us to form a Joint Stock Company for the purpose we had in view.

At the time it is true some intimation reached us that the district the Company proposed to trade in was under the Sultan of Morocco's jurisdiction, but the gentlemen who negotiated the Treaties having repeatedly assured us that the Chiefs were entirely independent, and knowing also that every one of them possessed great experience of this country, and considering that about forty of the leading Chiefs of the district could not have entered publicly into such engagements without His Majesty the Sultan's sanction or their independence, the Directors decided to make a trial shipment, which I should accompany as far as the station, with the full intention that, should there be any obstacle or opposition on the Sultan's part, the cargo should be returned home.

We left London on the 13th February, 1883, and arrived at Ercksheesh on the 29th same month. We were received by the Chiefs in the presence of an officer of the Sultan, named Kaid Boazza, who was said to be Governor in that district. This functionary made no remark or objection as to our landing, nor asked for any duty on the goods. On the contrary, he bought several lots of grain, part of which is still unpaid for. At the time when the Sultan's soldiers and Envoy arrived, about the 20th April, they said nothing to us respecting our being engaged in an illegal traffic; had they done so, I was in time to reship the Company's goods and property, but on the Envoy's assurance that the goods would be safe in the Governor's custody, and their statement that His Majesty sanctioned the opening of the port, the steamer left for Gibraltar and England. It was only after our return home that we observed Sid Mohammed Bargash's protest, and before we had time to look after our property news reached us that our inclosure had been pillaged, and two men who were sent by the Company's agent at Mogador to collect our outstanding debts, seized, ill-used, and imprisoned, without trial or conviction. Although I have no wish to enter into the question of His Shereefian Majesty's territorial rights at Sûs, I venture to claim your Excellency's assistance on behalf of several British subjects interested, on these grounds:—

1. The Company went to trade in a district with the sanction of those who, from time immemorial, are known and acknowledged to be the rulers and responsible authorities of that locality, in the same manner as any British trader would go to any part of the world under the sanction of its recognized authority, be it Morocco or elsewhere.

2. The Company's titles are not clandestine writings, but notarial deeds legally drawn and legalized by a Kadi, with the sanction of a number of men, any one of whom is a representative of greater or lesser importance.

3. The Company landed their goods in the presence of one of His Shereefian Majesty's officials, who made no opposition by act or word to the Company's trade.

4. The Company repudiate the imputation cast upon them of being engaged in an illegal traffic, inasmuch as all its operations were carried out publicly and openly, while the established respectability of every one connected with it in London is sufficient to guarantee that they would not jeopardize their reputation by joining any unlawful enterprise.

5. Admitting His Shereefian Majesty's rights to exercise his power over the district, no time was given us to withdraw, and therefore the seizure and plunder of our property is unjustifiable.

6. Considering that the authorities at Ait Bou Amran, official or otherwise, invited us to trade, it is they, and not the Company, who are accountable to the Sultan, and it would be both high-handed and arbitrary that traders who went to the place in good faith should be the sufferers, and the really responsible parties allowed full immunity—I may say recompensed by being permitted to retain the value of goods purchased from those whom they inveigled into their country.

In corroboration of my statement, I beg to inclose: (a) Copy of Treaties with the Chiefs; (b) copy of invoice (of cost and charges) for goods landed at Ercksheesh, and statement of what was received in part payment, showing a balance of £1 (unrecovered).

Knowing how ready your Excellency ever is to see justice done to British interests, I pray that you will give our case good consideration, and represent to His Shereefian Majesty how we have been innocently drawn into a snare through no fault on our part, and therefore invoking in favour of our request Articles IV and V of the Treaty of 1857. We claim at His Majesty's hands the benefit of these Articles, and pray that His Majesty will cause the responsible parties to pay their indebtedness to the Company, and to indemnify it for losses, damages, and expenses sustained and incurred by the Company through the acts of His Shereefian Majesty's subjects and officials.

I cannot close the present without appealing to your Excellency's humane sentiments on behalf of Hadj Hamdan and Gellali, the two collectors sent by the Company's agent, and whose ill-treatment and subsequent imprisonment are unmerited, and in contravention of Article IX of the Madrid Convention of 1880.

Any further information or proofs your Excellency may require I shall be happy to supply, if in my power to do so; and thanking your Excellency in anticipation for using your good influence in favour of a just claim, I remain, &c.

(Signed) W. J. McNAUGHT, Agent and Special Attorney
for the Sûs and North African Trading Company.

Inclosure 2 in No. 226*.

Mr. W. J. McNaught to Sir J. Drummond Hay.

Your Excellency,

Tangier, November 2, 1883.

WITH reference to my letter of the 29th ultimo, on behalf of the Sûs and North African Trading Company, I have the honour to state that, being convinced of the great difficulties which attend the settlement of claims of this nature, and the hopelessness of arriving at a satisfactory issue, it is my duty, as representative of the Directors and shareholders, and with a view to compensate them against their severe losses, to solicit that you will use your good influence with His Shereefian Majesty the Sultan to obtain his written permission for the Company to carry on a legitimate trade of import and export at the new port which the Sultan is about to open at Sûs, under His Majesty's protection and security. If I venture to ask this favour, it is with the conviction that your Excellency is satisfied that the Company's intentions from the first were to carry on a lawful business, and that it has been urged into a false position through misrepresentation on the part of various parties, and therefore any encouragement which you will be pleased to obtain for the Company will be an act of justice which will lay it under a debt of gratitude to your Excellency.

It is needless to observe that such a gracious act on your part would not only promote the Company's interests, but the interests of all the British traders generally, as the Company's success and prosperity will tend to benefit the large number of merchants and manufacturers connected with them, all of whom will be grateful to your efforts to increase British commerce and influence in a district which promises to become one of the most important outlets for England's produce and manufactures.

In the hope of receiving a favourable reply, I have, &c.

(By virtue of the Directors' Power of Attorney).

(Signed) W. J. McNAUGHT.

Inclosure 3 in No. 226*.

Argument of the Sûs and North African Company v. Moorish Government.

THE action of the Moorish Government has been irregular and deceptive throughout, since the Sultan was aware of the Company's intention since 1881, long before the first expedition. How is it His Majesty did not give instructions to his Governor at Ait Bou Amran to oppose, or at least protest, our landing? Besides, since Sid Mahommed Bargash had protested against what he termed illegal traffic, why did not the Envoy, who came from the Sultan to Ercksheesh some time in April, intimate this protest, or demand the removal of the Company's plant and goods? How is it this same Envoy assured Mr. Curtis that the goods would be safe if left at Ercksheesh? Did the Sultan have less power in April than he had in June over Ait Bou Amran, or could the presence of Curtis be such an impediment to the actions of his troops? The only inference that can be drawn from the facts that the Sultan's Government allowed and encouraged the landing of the goods, the decoying of Curtis to Mogador on pretence of conferring with the Sultan, and the subsequent plunder of the station, is that the Sultan had no control over the territory at first, and finding open resistance of no avail, the officials conspired with the tribes to plunder the station, and get off scot-free from paying for the goods bought.

The tribes, or the lower classes among them, asked for no better, and while they pleased the Sultan by siding with him for a time, they got full reward for their treachery by keeping the Company's money and goods. This argument at once does away with allegations of the Sultan's jurisdiction over the tribes, and of the contraband trade in which it is now said the Company was engaged. If, on the other hand, the Sultan really had any jurisdiction over the district, he could have prevented all complication by ordering his subjects to refuse dealing with the Company, and if they proved disobedient to his will, how is it he allowed the sixteen Chiefs who went to visit the Court in Morocco to return unmolested, while he pretended to have brought Curtis prisoner for the same offence? In whatever light this is taken, the Sultan's action renders his Government responsible, because, if he really has jurisdiction over the district, he is bound by Treaty to have the debtors and plunderers to account for their action at the nearest port to their district.

If, on the other hand, he has no jurisdiction, his action can only be taken as illegal

interference with foreign property outside his territory. With respect to the attitude taken by the Foreign Office in this matter, the least that can be said about it is that it came to its conclusion too hastily, because past events have proved that Ait Bou Amran districts were independent of the Sultan. As proofs of this, we have the long delay the Sultan was put to to find a place within his dominions on the Sûs coast to give to Spain in lieu of Santa Cruz de Mar Pequeña. As a further proof, there is that while Wad Noun is stated by the Foreign Office to be the Sultan's territory, yet the latter had not the power to release Mr. Butler, who was kept prisoner there over seven years, until a heavy ransom was paid.

As to the probable results this action of the Foreign Office is likely to have over British trade, it will be sufficient to say that in the face of Spain having a port on that coast, and the likelihood of their monopolizing the same, it would be good policy on the Foreign Office's part to support the Sûs and North African Trading Company's effort to establish direct communication between that coast and England, and thus share the business with Spain. As it is, the declaration of the Sultan's sovereignty over the district on one hand, and a Spanish port on the other, will prevent British traders from getting there, while the Moors, knowing the great disadvantage of carrying their goods to a Moorish port where they would have to pay heavy and extortionate duties, would take their produce to the Spanish port. Thus, our trade with a district which, so far is the key, to North Africa, will remain at the mercy of Spain, and she will, if she chooses, impose any duty she likes on all goods coming in or out of her port for foreign trading. Now the blunder is made, the best means of mending a bad job would be for England to demand from the Sultan such arrangements as will insure the non-interference of Spain in our trade with Sûs, and that can only be realized by the proper encouragement of such Companies as the Sûs and North African Trading Company, who have already secured their land, and a good port, and established friendly relations with the leading Chiefs of the district.

To hope that the Sultan's authority will be sufficient guarantee that our trade shall not be spoilt by Spain would be a delusion, because the Chiefs will set it at defiance as they have done from time immemorial; and therefore, if England has any desire to preserve an important outlet for her overgrowing manufacturing production, the only means to do so is by having stations as near to the Spanish Settlement as possible.

Inclosure 4 in No. 226*.

Declaration by the Tribes of Ait Bou Amran as to Plunder by Sultan's Soldiers.

(Translation.)

THE witnesses know and give evidence that the day the Government came to Ercksheesh, viz., Boazza, Muley El Kebir, and Kaid Gleemie, and their followers, soldiers, and found Tazer James in business with his property, and they took him prisoner, and left his property with their army to be taken care of, and there was a tent there, and in the port the bags of rice and barley, skins, wax, &c. And a few days after this they ate everything that was there, without leaving little or much. And this plenty of people were present at, and they give this evidence, and they are:—

S'booia Chiefs—

Sid Braihim Bel Hassan El Arbowey, Sid Abdullah Bel Ali, Sid Mohammed Ben Ali, Sid Salkh Ben Hamed Ben Mohammed El Eaguey, Sid Ombarek Ben Qober, Sid Mahommed Ben Braihim Ou Ali, his father, Ben Braihim, Sid El Hossein Ben Ali Ou Beeroak, Sid El Hassan Ben Said.

Mis Vowi Chiefs—

Sid Omar Ben Bulkheer, Sid Mohammed Ben Bellel, Sid El Hassan Ben Abdullah, Sid Ombarek Ben Echeesh, Sid Se Hamed Ben Ali Ben Ombarek.

These witnesses were present when Tazer James was taken by the Government, and his property was left at Ercksheesh, and the army ate it, and this is what these witnesses were present at.

(Signed)

MOHAMMED EL DUSONY.

SAID EL MIS VOWI.

MOHAMMED AZUZ EL HASABOWEY.

Adools, 1st of Dulkeda, 1300.

[144.]

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Inclosure 5 in No. 226*.

Declaration by James Curtis, of Ercksheesh, Sûs.

I, JAMES CURTIS, resident agent of the Sûs and North African Trading Company (Limited), in Sûs, at Ercksheesh, hereby declare that I truly believe the Company's station to be without the boundaries of the Empire of Morocco, and entirely free from the authority of the Sultan of that dominion.

As my reasons for this belief I cite the following facts:—

1. The tribes recognize no authority, and govern themselves.
2. They pay no taxes.
3. When trading as a merchant in Mogador, in 1877, I had occasion to place several claims on debtors in Morocco and Sûs in the hands of Her Majesty's Minister at Tangier, in order to obtain payment by the course usually adopted in that country, when, to my surprise, all my claims were passed save those on Sûs, which the Minister of Foreign Affairs in the Moorish Government informed Her Majesty's Minister could not be entertained, as the Sultan had no jurisdiction.
4. When M. Butler, a Spanish subject, was captured some years ago by these tribes, the Sultan refused to be responsible or pay the ransom demanded, so in order to procure his release the Spanish Government found the money (5,000*l.*) and paid it.
5. Spain now claims a port called Santa Cruz de Mar Pequeña, and the Sultan replied, in 1879, that he could not grant it south of Agadir, as it would be out of his jurisdiction. He has just lately repeated this statement, after a Spanish Commission has been waiting in Mogador for some months, with the object of ascertaining the whereabouts of this port. The said Commission has now returned to Tangier without having accomplished their object, as the Sultan has informed it that he has no jurisdiction south of Agadir.

I could give many other instances of his denial of this country, but I believe it is generally recognized by all that know Morocco that the Sultan's dominions are bounded on the south by the Great Northern Atlas Mountains. I understand the French Government have offered protection to English subjects, as well as French, living at Ait Bou Amran, in Sûs, for the space of two months. I have lived there one year, and have found the tribes most friendly and disposed to trade with the English, and am convinced they most heartily wish to trade with us.

In conclusion, I strongly urge Her Majesty's Government to give us that support that is so necessary to insure success to the trade in that country, which I am fully assured will prove of the greatest importance to English commerce and industry.

(Signed) J. CURTIS, Resident Agent for the Sûs and North African Trading Company at Ercksheesh.

London, July 7, 1883.

Inclosure 6 in No. 226*.

Extracts from the Treaty of 1857.

ARTICLE IV.

WITH respect to the personal privileges to be enjoyed by the subjects of Her Britannic Majesty in the dominions of the Sultan of Morocco, His Shereefian Majesty engages that they shall have a free and undoubted right to travel and to reside in the territories and dominions of his said Majesty, subject to the same precautions of police which are practised towards the subjects or citizens of the most favoured nations.

And generally His Majesty the Sultan engages that the subjects of Her Britannic Majesty residing in his States or dominions shall enjoy their property and personal security in as full and ample manner as subjects of the Emperor of Morocco are entitled to do within the territories of Her Britannic Majesty.

ARTICLE V.

All British subjects and merchants who may wish to reside in any part of the dominions of the Sultan of Morocco shall have perfect security for their own persons and property.

They shall be free to appoint any one they may choose of their friends or servants for the transaction of their affairs, either on land or at sea, without any prohibition or interruption.

Inclosure 7 in No. 226*.

Extract from the Madrid Convention of 1880.

ARTICLE IX.

Domestic servants, farmers, and other native employés of native interpreters and domestic servants of foreign subjects. The same applies to Moroccan employés and domestic servants of foreign subjects. Nevertheless, local authorities cannot arrest an employé or servant of a native functionary in the service of a Legation or Consulate, or of a foreign subject or protégé, without previous notice being given to the authority on whom they depend. If a Moorish subject in the service of a foreign subject should kill any one, wound him, or violate his domicile, he will be immediately arrested, but the Diplomatic or Consular authority on whom he depends shall be immediately informed of the same.

No. 227.

Earl Granville to Mr. Reade.

(No. 9.)
(Telegraphic.)

Foreign Office, December 8, 1883, 1.25 P.M.

WHEN may we expect complete list of claims? French Government are pressing for it, and it is important to avoid delay.

No. 228.

Earl Granville to Mr. Reade.

(No. 10.)
(Telegraphic.)

Foreign Office, December 8, 1883, 2.30 P.M.

SEND home as soon as possible copy of one of the obligations issued under the Act of the Tunisian Finance Commission of the 23rd March, 1870.

No. 229.

Sir J. Pauncefote to the Law Officers of the Crown.

SIR JULIAN PAUNCEFOTE presents his compliments to the Law Officers of the Crown, and, with reference to Mr. Abbs' note of the 6th instant, has the honour to inform them that Her Majesty's Agent and Consul-General in Tunis has been instructed by telegraph to send home copy of one of the obligations issued under the Act of the Tunisian Finance Commission of the 23rd March, 1870.

The Foreign Office is not at present in the possession of any information on this subject beyond that contained in this Act, copy of which, it will be observed, was inclosed with other papers in Sir J. Pauncefote's letter of the 30th ultimo.

Foreign Office, December 8, 1883.

No. 230.

Mr. Reade to Earl Granville.—(Received December 9, 2 P.M.)

(No. 32.)
(Telegraphic.)

Tunis, December 9, 1883, 9.55 A.M.

THE list of claims called for has been retarded by communications from the outposts, but will be transmitted home by the Italian packet [?] on Wednesday the 12th, notwithstanding an overwhelming press of business, which the French have, for the most part, created.

F.O. 403/25

BE REPRODUCED PHOTOGRAPHICALLY WITHOUT PERMISSION OF THE PUBLIC RECORD OFFICE, LONDON

No. 231.

Earl Granville to Mr. Reade.(No. 11.)
(Telegraphic.)*Foreign Office, December 10, 1883, 4.50 P.M.*

BARON D'ESTOURNELLES is here discussing British claims. We wish to have advantage of your presence. Come immediately, leaving Consulate in charge of Dr. Arpa.

No. 232.

Earl Granville to Mr. Reade.

(No. 30. Ext. 11.)

Foreign Office, December 10, 1883.

Sir, HER Majesty's Government are anxious to have the advantage of your advice in discussing the question of British claims in Tunis with Baron d'Estournelles, who is now in London, and I have consequently to request that you will come to this country with as little delay as possible.

You should leave Dr. Arpa in charge of the Consulate.

I am, &c.
(Signed) GRANVILLE.

No. 233.

Earl Granville to Sir J. Drummond Hay.

(No. 53.)

Foreign Office, December 10, 1883.

Sir, I TRANSMIT herewith, for your information, copy of a note which I have addressed to the Representatives of Spain and Italy at this Court* in answer to their request to be informed of the views of Her Majesty's Government as to the interpretation of the Articles of the International Convention signed at Madrid in 1880 relating to the right of protection exercised by the foreign Legations and Consuls in Morocco.

I am, &c.
(Signed) GRANVILLE.

No. 234.

Earl Granville to Viscount Lyons.

(No. 1199.)

Foreign Office, December 11, 1883.

My Lord, I APPROVE the note which you addressed to the French Government on the 6th instant, of which a copy is inclosed in your Excellency's despatch No. 828 of the 6th December, respecting the case of the British subject Portelli, who has been arrested by the French military authorities in Tunis.

I am, &c.
(Signed) GRANVILLE.

No. 235.

Earl Granville to Viscount Lyons.

(No. 1234.)

Foreign Office, December 11, 1883.

My Lord, THE French Ambassador called upon me this afternoon, and spoke to me of the great desire of his Government to come to an arrangement as regards the conditions upon which the assent of England to the abandonment of Consular jurisdiction in Tunis was made dependent. His Excellency said that the French Government would be ready to refer to arbitration the greater portion of the outstanding cases in which British

* Nos. 218 and 219.

subjects were concerned, and to adopt any reasonable plan for the settlement of the most complicated claims.

They were anxious to get the matter settled by the close of the year.

I am, &c.
(Signed) GRANVILLE.

No. 236.

Earl Granville to Viscount Lyons.

(No. 1203.)

Foreign Office, December 12, 1883.

My Lord, I TRANSMIT herewith, for your Excellency's information, copy of a telegram which I have addressed to Her Majesty's Agent and Consul-General at Tunis,* instructing him to return home to take part in the discussion of British claims in Tunis, which is being carried on in London with Baron d'Estournelles.

I am, &c.
(Signed) GRANVILLE.

No. 237.

Earl Granville to Mr. Reade.

(No. 31.)

Foreign Office, December 12, 1883.

Sir, I HAVE received your despatch No. 61 of the 28th ultimo, and I have to convey to you my approval of the note which you addressed to M. Cambon on the 24th November in reply to his request for the appearance of certain British subjects at the French Residency to give evidence in a criminal suit.

I am, &c.
(Signed) GRANVILLE.

No. 238.

Earl Granville to Viscount Lyons.

(No. 1221.)

Foreign Office, December 13, 1883.

My Lord, I HAVE to state to your Excellency that Her Majesty's Government approve the terms of the note addressed by you to the French Government, copy of which is inclosed in your Excellency's despatch No. 809 of the 29th ultimo, relative to the complaint made by the British mercantile community at Sfax of the misconduct, so far as they are concerned, of the local authorities at that place.

I am, &c.
(Signed) GRANVILLE.

No. 239.

Mr. Reade to Earl Granville.—(Received December 15, 7.45 P.M.)(No. 33.)
(Telegraphic.)*Tunis, December 15, 1883, 2.10 P.M.*

IN compliance with your Lordship's telegram of 10th instant, I embark this day for Marseilles, having been delayed by stormy weather.

No. 240.

Dr. Arpa to Earl Granville.—(Received December 15, 11 P.M.)

(Telegraphic.)

Tunis, December 15, 1883, 2.10 P.M.

MR. READE left for England this day, his departure having been delayed by stormy weather.

Mr. de J. Levy to Earl Granville.—(Received December 18.)

My Lord,

59, Fenchurch Street, London, December 18, 1883.

ON several occasions I have had to trouble your Lordship about my Gabes claim against the French Government, and Mr. Broadley wrote on my behalf on the 24th August last, explaining my case.

So far, I have not had the honour to hear from your Lordship, and no progress has been made in Tunis, the French authorities there seeming bent upon unduly protracting the matter.

I was dispossessed two and a-half years ago of a valuable property, which served as the means of carrying on a business in esparto grass (used for paper-making), which business gave me about 2,000*l.* per annum.

As I was told that the authorities would not grant any claim for indirect losses, I limited myself to asking for the value of the property, if they meant to retain possession permanently, or if only occupied temporarily for the payment of an annual rent of 400*l.*, or, say, 10,000 fr.

The French authorities in Tunis have repeatedly offered such small sums, so much under the values of the property that I venture to suspect they must have expected their offers to be refused.

In view of the long period in which I have been deprived of my rights, I think the only solution of the question is either to pay the amount I have demanded, or submit to the arbitrament of impartial and respectable valuers, in which case I expect I should be awarded a larger amount, according to certificate, that Mr. Broadley sent to your Lordship in his letter of the 24th August.

Knowing that Mr. Reade, Her Majesty's Agent and Consul-General at Tunis, will be in London in a few days more, I take the liberty to suggest that your Lordship should kindly take his opinion in the matter, and if, as I hope, he will confirm what I have the honour to lay before you, you will exert your influence to have the matter settled by the French Government without further delay.

I have the conviction that if the French Government had this case properly represented to them by their agents in Tunis, I should not have had to wait so long for a settlement of my claim.

I have, &c.
(Signed) M. DE J. LEVY.

Extract from the "Standard" of December 18, 1883.

RE SUS AND NORTH AFRICA TRADING COMPANY.—This was a Petition by Mr. D. Bell and another creditor for the winding up of the Company. It appeared from the opening statement that the petitioners were the holders of a dishonoured bill of exchange for 107*l.* odd, and had obtained judgment against the Company. They endeavoured to levy, but the Sheriff had made a return of *nulla bona*. The Company was started, with a nominal capital of 150,000*l.*, in 30,000 shares of 5*l.* each, but only 289 shares had been taken up. It did a considerable business. The firm of M'Naught, Pierce, and Middleton, having taken bodily possession of the Company, were carrying on business in the name, and were exercising the functions of the Company. The firm had a covering charge over the property of the Company, even to the money in the till, and thereby prevented any other person from making any claims against it. The Company had, however, filed an affidavit in opposition to the Petition, in which it was stated that the Company had large assets. Amongst them were goods estimated at the value of 4,000*l.*, and a claim for 10,000*l.* against the Government of Morocco for losses sustained in transporting goods through Morocco, in consequence of robberies. The Petition was also opposed by a majority of the shareholders, who stated that their claims would probably be fully satisfied if the Company were allowed to go on; but that they would inevitably sustain losses if the prayer of the petitioners were granted. Mr. Higgins, Q.C., and Mr. Ward appeared on behalf of the petitioners; Mr. Seward Brise and other counsel on behalf of the opposing shareholders. His Lordship, in pronouncing judgment, said it appeared to him that this Company ought not to be allowed to go on, being without any available assets, and unable to satisfy a claim of admitted creditors.

The chief asset of the Company was a very doubtful one, being a claim against the Government of Morocco. He felt therefore he should make the usual order for the winding up of the Company.

Mr. Reade to Earl Granville.—(Received December 19.)

(No. 63.)

My Lord,

Tunis, December 11, 1883.

IN obedience to the instruction conveyed in your Lordship's telegram No. 8 of the 24th ultimo, I have the honour to supply as complete a list of outstanding claims of British subjects in this Regency as it has been possible for me to prepare.

It is scarcely necessary I should, at the same time, state that the list of British claims is increasing in proportions every day, grievances giving rise to them being of almost constant occurrence. While I write, information reaches me of arbitrary proceedings committed to the prejudice of British subjects, which will probably germinate into claims against the Tunisian Government.

I have, &c.
(Signed) THOS. F. READE.

F. O. 403/25

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LIST of Outstanding Claims of British Subjects.

TUNIS AND NEIGHBOURHOOD.

Name of Claimant.	Nature of Claim.	Amount Claimed.	Remarks by Mr. Reade.
Agius, Giovanni	Adjustment of his case against the Municipality, which has arbitrarily prevented him from building on land which he has duly purchased, and this, on an assumption which it refuses to bring to the test, by reference to the Tribunal of the "Sharâa," that the land in question belongs to it.	Piastres. ..	A précis of this case is annexed to my Report No. 52 of the 1st of last month. The request to have the matter referred to the "Sharâa" is so manifestly fair and proper that I can conceive no alternative course.
Benatar, Joseph	Compensation for a piece of ground belonging to him in the neighbourhood of Carthage, which the Tunisian Government, without any reference whatever to him, has inclosed with walls and applied to the use of a public cemetery.	..	The Tunisian Government having lately engaged to inquire into and settle the question at issue, no further remarks are at the present moment necessary.
"	Indemnity for damages consequent upon the late invasion of his "Agdaia" estate near Matar by a Tunisian subject named Hadj Mabrouk Ennehadi.	..	The Tunisian Government has also, in this case, promised that justice shall be done, and I therefore refrain for the present from saying anything more.
"	Claim to be put into possession of an estate near Matar, called "Tassa," which he had purchased about two years ago from the sons of one Hadj Salah Ben Beshir El Abbassy, and which, although duly provided with the title-deeds, he has sought in vain to enter upon and occupy.	..	Although assured by the Tunisian Government that an early settlement will be come to about this case, a pretended exercise of the right of preemption, which lapse of time and other circumstances have rendered untenable, leads rather to the inference that further difficulties and complications are in store. Looking to the powerful as well as adverse influences that are ranged against Benatar in his present difficulties, and to the views so vividly expressed in M. Cambon's letter of the 11th November (Inclosure No. 6 of my despatch No. 62 of the 30th ultimo), I cannot help feeling that this case ought to be submitted to arbitration rather than to the judgment of the Local Courts.
Benayed, General Sid Hamida ..	Reimbursement of considerable sums of money due to him from the Tunisian Government, as shown in a Mémoire by his Attorneys, Messrs. Broadley and Pelletier, dated 28th May, 1883.	..	

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Name of Claimant.	Nature of Claim.	Amount Claimed.	Remarks by Mr. Reade.
[1445] Benayad, General Sid Hamida ..	Restitution, with recoupment of damages, of a valuable plot of ground situated in the Marina quarter of the city of Tunis, which, although for nearly forty years in his undisputed possession by right of title-deeds, which he still holds, was, on the 14th June last, invaded by M. Maréchal, the representative in Tunis of the Havas Company, and a band of workmen, notwithstanding also the presence and protestations of a watchman who had been placed there by Her Majesty's Consulate-General with the acquiescence of the Consulate-General of France.	Piastres. ..	Her Majesty's Government having come to a decision with regard to this case and the one last above stated, I have little to remark upon them. As, however, in a late communication of M. Jules Ferry it is suggested that Benayad would do well to take proceedings against his adversary, M. Maréchal, at the French Courts of Law, I may perhaps be permitted to add that, during the last week, a letter lately addressed by the Prime Minister to the President of the French Tribunal has come to my knowledge, in which the writer asserts, on behalf the Tunisian Government, that the French Tribunal is incompetent to adjudicate upon questions relating to the proprietorship of real property in this country. The letter is remarkable, and effectually disposes of M. Ferry's suggestion. A copy of it I beg hereto to annex.*
"	Reparation for an illegal and arbitrary violation of his property, in the immediate vicinity of the "Régie des Tabacs," by employés of the municipal authorities, notwithstanding the presence on the ground of a watchman placed there by Her Majesty's Consulate-General, with the assent of the Consulate-General of France.	..	A précis of this case accompanied my Report No. 52 of the 1st ultimo. In connection with it I would respectfully suggest that some notice be taken of the right which the municipal authorities have assumed of entering into and expropriating private property, without first complying with the formalities that are prescribed by Treaty—a right which appears to be acquiesced in by M. Cambon, and to which I have, for obvious reasons, taken exception.

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* Son Excellence le Premier Ministre de Son Altesse le Bey à son Excellence le Ministre Résident de la République Française à Tunis.

J'APPRENS que des questions entre divers Européens ou protégés Européens relatives aux "enchirs" Sidi Sultan, Ain Chellou, Mab Rouha, et Bou Arada, sont pendantes devant le Tribunal Français; je m'empresse de vous faire connaître que Son Altesse le Bey, le Gouvernement Tunisien, et l'Administration des Habbous de la famille Henseinite revendiquent la propriété de ces "enchirs." Des instances ont été introduites devant le Châra, ainsi qu'il appert d'un certificat ci-joint du Cadi.

L'Article IV du Traité conclu avec l'Angleterre le 10 Octobre, 1863, et l'Article XXII du Traité conclu avec l'Italie le 9 Septembre, 1868, en autorisant les sujets Anglais et Italiens à devenir propriétaires d'immeubles dans la Régence, stipulent expressément que ces biens resteront soumis aux lois du pays, et les questions qui s'y rattachent jugées par les Tribunaux locaux. Les Tribunaux Anglais ou Italiens ne sont autorisés à statuer conformément aux lois du pays, qu'autant que des Anglais ou des Italiens se trouvent seuls en cause.

C'est uniquement dans les conditions exprimées par ces Traités que les étrangers de toute nationalité sont propriétaires de biens immeubles dans la Régence. Leurs dispositions ont en effet simplement été étendues aux sujets des diverses Puissances amies, et notamment aux Français par le Décret du 30 Juillet, 1871. Ces Conventions ont été récemment encore confirmées par l'Article IV du Traité du 12 Mai, 1881, conclu avec le Gouvernement de la République Française.

Je vous prie donc, M. le Ministre, de vouloir bien faire connaître au Tribunal Français que les questions relatives aux "enchirs" Sidi Sultan, Ain Chellou, Mab Rouha, et Bou Arada, ne peuvent être résolues sans mettre en cause Son Altesse le Bey, le Gouvernement Tunisien, et l'Administration des Habbous de la famille Henseinite, et que pour ces motifs je demande qu'il lui plaise de se déclarer incompétente.

Tunis, le 28 Octobre, 1883.

(Signé) Si EL AZIZ BOU ATOUK.

Name of Claimant.	Nature of Claim.	Amount Claimed.	Remarks by Mr. Reade.
Benayad, General Sid Hamida ..	Reparation for violation of his property at Jedeida by a party of notaries, surveyors, and others under the immediate orders and direction of the Sheikh Salah Ben Sheikh Ahmed, an "Oukil" or agent of the "Sadekia," or State Lands Administration.	Piastres. ..	I have fully reported, in my despatch No. 59 of the 24th ultimo, upon the grievance referred to, and regret that conduct so reprehensible as that of the Oukil of the "Sadekia" should have been approved and sustained by the Tunisian Government, to the great prejudice of British interests and the scandal of the whole community.
Borg, Maria Antonia, Scieluna, Luca, Grech, Francesco, and Farrugia Grazia	Indemnity for losses sustained in connection with the Oued Zergha massacre of the 30th September, 1881, when their relatives Vincenzo Borg, Leonardo Scieluna, Pabblio Grech, and Giuseppe Farrugia fell victims.	..	This claim has been admitted by the Tunisian Government, and, as I am at present informed, will be paid from funds which have, for some time past, been collected from the inhabitants of the district where the murders were committed.
Cacchia, Annetto, British Consular Agent at Hamamet	Indemnity for loss of cattle and other property stolen by Arabs during the late insurrection.	..	This claim has been submitted to the local authorities, but little or nothing has been done towards discovery, or pursuit of the depredators.
Camilleri, Giuseppe ..	.. Compensation for violation of domicile at Porto Farina, and unauthorized seizure of merchandize belonging to him, on a mere supposition of contraband.	..	This case has been fully reported on in my despatch No. 55 of the 8th ultimo. The Tunisian Government endeavour to justify their procedure by assuming that the store broken into was Government property, and that the domicile was consequently Tunisian. It is, however, admitted in their <i>procès-verbal</i> that anybody who chose to make use of the stores was permitted to do so. Camilleri's occupancy was therefore allowed and recognized. It is equally clear that officials of the local Government have no Executive authority over British subjects, and that their interference in the present case was illegal. To punish a man on a mere supposition that he is guilty of an offence is too manifestly improper to admit of any pardon or excuse.
Maugano, Giovanni ..	.. Indemnity for his late illegal arrest and imprisonment by the French military authorities, and also for the cruel and uncalled-for assault committed upon his person by Captain Nicholas, of the French army, on the 9th July last.	..	This matter has been treated privately, and a satisfactory result appeared at one time probable. Since then a change has occurred, and steps will be taken to bring about a judicial process.
Moussu, Luigi Indemnity for loss occasioned to him by the Municipality in consequence of measures taken by that Department, whereby he is prevented from rebuilding a house belonging to him, and situated in the vicinity of Bab Zira.	..	The municipal authorities have promised compensation in this case, but have not carried any such intention into effect.

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Name of Claimant.	Nature of Claim.	Amount Claimed.	Remarks by Mr. Reade.
Trustees of the British Protestant Church	Adjustment of a difficulty arising out of a claim which M. Edward Rouquerol, a French subject, has advanced for a small piece of ground adjoining the garden of the British Protestant Church which had been formally given to the trustees of that church by Sid el Arbi Zerouk, the late President of the Municipality, for the purpose of building thereon a small parsonage (the ground till then possessed by the church being insufficient for that purpose), and was regularly occupied by the trustees at the time it was first claimed by the said M. Rouquerol, or the party or parties he represents. The ground in question is not a freehold property, but what is called a Government "enzel," or leasehold tenement, which is given to the highest bidder for a series of years.	Piastres. ..	It will be my duty to report more fully hereafter upon this case. In the meanwhile, I beg to offer the following remarks:—Owing to the sudden departure from this country of Sid el Arbi Zerouk, under circumstances which are explained in my despatch No. 72 of the 20th May, 1881, he was prevented from extending in due form the grant of the land he had only verbally made; and, but for the French occupation of the Regency, the present difficulty would not have occurred. The sale was effected in a clandestine manner, and contrarily to the custom which gives to the occupant of the ground a preference claim to its "enzel," or lease, the purchasers being the same three individuals to whom a spurious title was given of Benayad's ground, in the Marina quarter, which subsequently fell into the violent hands of M. Maréchal. It will, moreover, be seen from a plan of the ground, which I shall not fail to forward with my Report, that a portion of what was sold, as above stated, is included in the concession originally made to the church. This circumstance, independently of all others, it appears to me, vitiates the whole transaction. Be that, however, as it may, I have made every possible effort to come to an amicable settlement of the affair, but failed. M. Cambon has decided that the case shall be submitted to the "Sharika," and as, in questions of this nature, much depends on possession, I contend, on behalf of the trustees, that they are entitled to the position of defendants at the trial. Unfortunately, he is not willing to concede so much, although the fact of our occupancy of the ground at the time of its sale is too notorious to admit of denial; and, in order to prevent the occurrence of a scandal similar to that for which M. Maréchal is responsible, an agreement was come to between M. Cambon and myself that, pending a definitive settlement, neither of the parties litigant should interfere with the ground in any way. Under all these circumstances, I can only suggest that an offer I once formally made to M. Cambon be accepted, and that the case be submitted to arbitration.
Vella, Michele, and heirs of the deceased.	Indemnity for bereavement of their relatives, George Vella, Michael Camilleri, and Carmelo Barbara, who were murdered on the road to Kairwan on the 5th March, 1882.	..	The Tunisian Government has taken this case into consideration, but declines all responsibility in connection with it.

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STSA.

Name of Claimant.	Nature of Claim.	Amount Claimed.	Remarks by Mr. Roade.
Massa, Antonio	Indemnity for destruction of house and other buildings on his farm during the late insurrection of Arabs.	Piastres. 42,400	These claimants duly protested against the damage they had respectively sustained, but were unable, at the same time, to have "sigillas" or notarial acts drawn up, whereby they might, at a later period, substantiate their claims. When, some months afterwards, the insurrection had sub-sided or died out, the notaries were interdicted by the Khalifa, or Vice-Governor of Susa, from assisting the claimants, whose subsequent efforts to obtain an indemnity for their losses have consequently failed.
Attard, Anna, vedova..	Indemnity for damage done to their respective gardens during the Arab insurrection	3,000	
Borg, Lorenzo		800	
" Luigi		1,500	
" Serafino		2,100	
Failla, Luigi		2,260	
Fenech, Salvatore		1,800	
Grech, Lorenzo		3,640	
Mifsud, Giuseppe		2,000	
" Lorenzo		2,600	
Moniglia, Carmelo	Reimbursement of damage done to their gardens by French soldiers	1,275	Not supported by any "sigilla." With "sigilla."
Rizzo, Antonio		1,900	
" Mariano		1,400	
Rovers, Eurice		800	
Scerri, Giovanni Maria		600	
Massa, Giovanni Maria		9,500	
Axisa, Lorenzo		2,560	
Rizzo, Antonio		200	
Attard, Anna (widow)		1,200	
Borg, Francesco		850	
" Lorenzo	Value of 6 oxen stolen by Arabs	850	Messrs. Massa and Bartolo and Vincenzo Massa are not provided with "sigillas," owing to the refusal of the Khalifa to allow any notaries to draw them up. The cattle stolen can, in most instances, be traced to villages or Arab tribes, the evidence of the herdsmen being admitted in the "sigilla." In such cases the said villages ought to be held responsible for the robbery.
Leone, Calcedonio		6,527	
Levy, M. L.		17,040	
"		1,500	
Massa and Bartolo		5,615	
" Vincenzo		13,040	
Mifsud, Giuseppe		1,150	
" Lorenzo		2,000	
" Salvatore		2,200	
"		100	
"	Recovery of loss sustained through failure of the Tunisian Government to enforce payment of a tax on musicians that had been farmed to him.	2,600	On this claim being presented to the Tunisian Government, it was rejected on the ground that the tax in question is not leviable at Susa. If so, it is clear that the Finance Commission who farmed the tax to the claimant, and not the latter, should be held responsible for the loss that has occurred to him. The Tunisian Government decline all responsibility for the murder.
"		700	
Rizzo, Lorenzo		500	
Scerri, Giovanni		500	
Sinaggia, Salvatore		50,000	
Attard, Anna (widow)	Indemnity for murder of her husband during the Arab insurrection.	..	

SEAX

Name of Claimant.	Nature of Claim.	Amount Claimed. Piastres.	Remarks by Mr. Rende.
[544] Leadbetter, J. T., Agent at Sfax of Messrs. Perry, Bury, and Co., of Liverpool.	Indemnity for a piece of ground at Sfax, which, although his by right of purchase, has been taken, occupied, and built upon by the French military authorities, without any reference whatever to him as proprietor, and notwithstanding protestations which he appears to have in due time made.		Efforts made to settle this case amicably having repeatedly failed, it is difficult to understand why the matter has not been referred to the only competent Tribunal (the "Sharā'a"). Should any difficulty eventually arise as to the amount of indemnity that may have to be awarded to the claimant, I would recommend that, in this case also, the matter be referred to arbitration.
Barbara, Emanuele, and Carmelo, brothers	Recovery of sums of money due from Tunisian subjects in respect of business transactions, and of which, owing to interference on the part of the local authorities, they have been prevented from obtaining payment	39,045 07	The difficulties which have given rise to these claims are fully reported in Mr. Rende's despatch No. 51, of the 30th October last. After careful inquiry on the spot I am satisfied that, however plausible the reasons assigned for the restrictive measures complained of may be, they are no less vexatious and unnecessary than they are illegal, and opposed to International Treaty.
Busuttil, A. A. and Farrugia ..		26,106 12	
Busuttil, Michele		1,793 08	
Cardona and Gili, merchants ..		59,582 07	
Cardona and Gili		and 266 metals of oil.	
Cardona and Secchel		61,820 15	
Ciantar, Pietro		38,524 00	
Debono, Pietro, di Carmelo ..		and 255 metals of oil.	
Eilul, Francesco		19,094 08	
Eilul, Paolo and Farrugia Carmelo		and 178 metals of oil.	
Farrugia, Benigno, merchant of Tunis		9,824 00	
Galea Luigi and brothers ..		81,003 05	
Gili and Loffreda		22,422 15	
Leadbetter, J. T. .. .. .		..
Leonardi, Simeoni, and Sons ..		3,611 04	
Psailla, Giovanni		2,406 00	
Spiteri, Giuseppe		3,460 00	
Vella, Lorenzo		9,141 00	
" Michele	Recovery of sums of money due to them from Tunisian subjects	and 72 metals of oil.	This case has been duly submitted to the Tunisian Government, and rejected on the ground that they are not responsible for the consequences of the fatal occurrence. The claimant having recovered the indemnity awarded him by the International Commission, it appears to be doubtful whether he is entitled to claim any additional sum.
Eilul, Clemente		9,794 12	
Various other creditors for small amounts known to the British Vice-Consul		7,341 00	
Pace, Giuseppe		2,620 00	
H 8 Indemnity for murder of his son on occasion of bombardment of Sfax.		14,109 08	
		17,756 09	
		56,968 04	

GABES.

Name of Claimant.	Nature of Claim.	Amount Claimed.	Remarks by Mr. Reade.
Levy, M. de J., of London, merchant	Indemnity for a freehold estate belonging to him at Gabes, and consisting of a store and plot of land, which was taken by the French troops in July 1881, without his authority or consent, and has remained in possession of the French military authorities ever since.	Francs. 103,000 (amount originally claimed.)	A précis of this case was transmitted to the Foreign Office with my despatch No. 52 of the 1st November last. The right to compensation is of course admitted, but a difference exists as to the amount due to the claimant, which, in my opinion, can only be settled by arbitration.
Scieluna, Giuseppe, and sons, of Malta, merchants and bankers	Indemnity for a plot of ground at Gabes, taken and appropriated under circumstances identical with those above stated, as well as for a quantity of esparto, a wooden shed, and other property destroyed by fire on the occasion of the French military expedition to the above town.	Piastres. 44,200	As in the case of Mr. Levy's claim, so with regard to the claim of the Messrs. Scieluna, the parties in litigation would do well to submit their difference to the judgment of arbitrators.

GERBA.

Figar, Giuseppe, and family	Claim against the estate of the late Laroussi Bousorra which, on the latter's death, was sequestered by the local authorities.	8,000 piastres, and interest from the time of death.	This case has been in litigation for some years past, but no definitive settlement has yet been come to.
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Mr. Westin to Earl Granville.—(Received December 19.)

72, Bishopsgate Street Within, London, E.C.,
December 18, 1883.

My Lord,

IN pursuance of a Resolution passed by the Directors of the Franco-English Tunisian Esparto Fibre Supply Company (Limited) at their meeting of the 17th December, I have the honour to respectfully submit the following facts for your Lordship's consideration.

On the 12th June, 1881, a Concession was granted by His Highness the Bey of Tunis to a French subject, the late M. René Du Plessis, according to him the exclusive right of gathering esparto grass in five important districts in the south of the Regency of Tunis, and of constructing a railway or tramway at his discretion for the more economical transport of the produce in question to a point on the sea-coast called Skira; over which port special privileges were granted to the concessionnaire.

M. Du Plessis subsequently sold his Concession to Mr. E. J. Hough, of London, from whom the above Company subsequently acquired it by purchase.

A copy of the original Concession is herewith inclosed.

In April 1882 M. Du Plessis was informed by Baron d'Estournelles, then Acting French Minister Resident, and Tunisian Minister for Foreign Affairs, that the International Financial Commission in Tunis claimed the right of imposing certain conditions on the concessionnaire. M. Du Plessis at first objected to this interference, but finally submitted to the conditions imposed by the Financial Commission, as contained in Inclosure 2, but always without prejudice to his rights under the original Concession.

Your Lordship will perceive that one of the most important features of this Concession was the right to construct the railway or tramway, which could alone enable the concessionnaire to realize the objects of the original grant.

In Inclosure 1 it was provided as follows:—

Article 1. The said M. Du Plessis will work the "halfa" growing on the mountains called Ourghemmas, Aùchia, Heddaje, Bou Hedma, Majoura; and shall be allowed to lay a road along those mountains, terminating at Marsa Skira Port, under the condition that such road shall serve solely for the transport of the halfa, either by means of a railway or tramway, intended for the working in question.

It is beyond dispute that by the original Concession the concessionnaire is empowered to lay either a tramway or railway at his option suitable for his own requirements. If he chooses the latter, the ratification and "cahier des charges" impose certain conditions on him, but in any case he can only be compelled to construct the railway in accordance with the requirements of the object of the Concession, namely, the transport of esparto.

The Directors instituted searching inquiries as to the form of railway most adapted for the purposes of the transport of their merchandize from the mountains to the coast. In the result it was ascertained that, for all the purposes of the Concession, a light narrow gauge surface railway or tramway, worked by small locomotives or mules, was amply sufficient, and a contract was accordingly entered into by the Company for its construction.

Relying on the clear provisions of the original Concession, and the equally unmistakable language of the ratification, one of the Directors proceeded to Tunis, and on the 2nd February, 1883, he submitted plans of the proposed railway, and addressed a formal request to the French Minister Resident for the authorization as per Concession.

The Company's representative was informed that the construction of the railway as proposed could not be allowed, unless the Company was prepared to adopt a wider gauge and road of such substantiability as would far exceed the requirements of the Company's transport and involve them in a ruinous and wholly unremunerative expenditure.

The Company continued its negotiations, in the course of which the Minister Resident proposed the following arrangements as a solution of the difficulty:—

1. That the Company should await to learn the views of the Minister of Public Works in Paris as to whether he desired the Skira-Bouhedwa line of this Company to form part of the State line from Gafsa to Bona or not. In the former case the gauge would have to be 1 metre and 10 centim., and heavily constructed work, but the Government would give a compensation to be fixed.

These propositions, however, have not been carried out, and the refusal to allow the construction of the tramway has been adhered to by the officials in Tunis, resulting most disastrously to the Company, causing not only the loss of its profits, but serious depreciation in the value of its capital; also an advantageous arrangement for the construction of the tramway has been forcibly abandoned.

These items constitute a claim to damages of a very serious nature, the details of which the Company is ready to submit whenever your Lordship desires it.

In view of the possible alteration in the British Consular jurisdiction in Tunis, the Directors submit to your Lordship the position of the interests of this Company, and respectfully beg that the protection of Her Majesty's Government be given to the same.

I have, &c.

(For R. W. Surtees, Secretary, Franco-English Tunisian
Esparto Fibre Supply Company (Limited).

(Signed) W. H. WESTIN.

Inclosure 1 in No. 244.

Concession.

First Schedule.

(Translation.)

Praise be to God!

(L.S.)

ON behalf of the servant of the glorified God of him who places his confidence in him and leaves to him the care of his destiny, may God direct his actions into the good path!

In conformity with the high supervision appertaining to us over all questions of public service, we have conceded to the Honourable M. René du Plessis the right of extracting the "halfa" from the under-mentioned mountains under the following conditions:—

Article 1. The said M. du Plessis will work the halfa growing on the mountains called Ourghamas-el-Onaicha, Hedy Bou Hedma, and Majoura, and shall be allowed to lay out a road along those mountains terminating at the Marsa Skura Port, under the condition that such road shall serve solely for the transport of the halfa, either by means of a railway or of a tramway intended for the working in question.

The benefits of said Concession shall remain in his hands during ninety-nine years from the date of our present Decree, so that no person, other than himself, can lay claim to any right in respect of the Concession aforesaid.

Art. 2. The said party engages on the expiration of the hereinbefore-specified term to restore to the Tunisian Government all the benefits of this Concession in the best condition without any opposition on the part of the holder or of whomsoever may stand in his place or stead, and said restoration shall be effected without compensation.

Art. 3. The concessionnaire engages to employ for the purpose of extracting the halfa and transporting same from the mountains to the said railway, the people of the country, and make use of the beasts of burden belonging to the natives at the usual prices.

Art. 4. The concessionnaire engages to pay to the Tunisian Government the taxes at present received on the halfa or such as may hereafter be imposed.

Whosoever shall see these presents shall be bound to conform thereto.

Written the 15th Rejeb, 1298 (12th June, 1881).

(Countersigned)

MOUSTAPHA.

A true translation:

The First Dragoman of the Consulate-General of France,
(Signed) A. SUMMARIFSA.

Seen for the legalization of the above signature of M. A. Summarifsa, First Dragoman of this Consulate-General.
Tunis, June 13, 1881.

For the Resident Minister of the French Republic, and by authority,
(L.S.) A. LEYNUM.

Consulate-General of France in Tunis, French Republic.

Inclosure 2 in No. 244.

Concession.

Second Schedule.

BETWEEN his Excellency General Mohammed, First Minister of His Highness the Bey, acting by virtue of powers conferred upon him by the Beylical Arnia of this date, and subject to the approval of the Executive Committee, conformably with Article 9 of the Decree of the 9th July, 1869, and with the Ratification of the 4th January, 1882, of the one part, and M. Duplessis, of the other part. It has been agreed that the conditions under which Beylical Arnia of the 15 Rejeb, 1298, to M. Duplessis, ceding the right to work the halfa in certain territories of the Regency is to be applied shall be defined in the following manner:—

Article 1. M. Duplessis shall work the halfa existing in the mountains denominated Djebel-bou-Hedma, at the north of the Gafsa to Sfax road, Djebel Majoura, in the Hammands, on the road from Gafsa to Kairouan Djeb Angarilia Haaday or Haddadj, to the north-west of the Bou Hedma.

An Agent shall be appointed by us to proceed to determine the boundaries of the workings, which shall be done in the presence of the grantee or of his agents.

Art. 2. The railway that the concessioner shall have power to establish, and which is provided for by the Arnia Beyical of 15 Rejeb, 1298, can be for the present used only for the carriage of the halfa. It shall consequently be laid, and its rolling-stock shall be provided in proportion to the requirement of the working of the Concession. Nevertheless, the Government reserves the right of subsequently requiring (when the necessity shall be shown on inquiry) the establishment of a service either for goods or passengers or both passengers and goods, the railway established under the conditions already named.

The Bye-laws attached to the present Decree determine the clauses and conditions to which the concessioner shall be subject as regards the construction and working of the railway.

Art. 3. The concessioner shall be strictly bound to respect, as regards the working of the halfa, all private property duly established which may be found included within the territories where the working is conceded to him. He must also respect on these territories the customs or servitude which the natives may at present enjoy, especially those of commonage, winter fallowing, flood pasturage, and water supply for their flocks and animals.

Art. 4. The concessioner shall take care that the cutting of the halfa is effected by the most careful methods, and take, as far as he is able, all necessary precautions to augment their quantity and prevent its destruction.

Art. 5. If by any reason of the insufficiency of native workmen the concessioner should employ foreigners it would, of course, be at his risk and peril, and these foreigners would have no recourse against the Government or right to any material compensation or indemnity in the event of their sustaining any injury during their employment, whether from foreseen or unforeseen events.

Art. 6. The concessioner shall guarantee a continual working of his Concession; for this purpose he fixes from this time forward the minimum annual export of halfa at 10,000 tons, which quantity shall be ascertained by the total amount of duty paid by the concessioner at the Customs Export Office. If it should happen that this minimum be not reached during three consecutive years, the concessioner by this act alone would be deprived of the privileges of the present Concession without it being necessary to serve him with any extra judicial document, except in the event of this diminution in the exportation being the direct consequence of act of God duly certified. The Government will take the necessary steps to establish a Customs Agency at Skira as soon as the concessioner shall have requested it.

Art. 7. The parties by mutual agreement decide that all differences which may arise between them shall be decided by the French Tribunal at Tunis.

It shall be the same even in the event of M. Duplessis ceding his rights for whatever cause.

Art. 8. The Government being desirous to give the Concessioner every facility and advantage to enable him to work his Concession, and to obtain from it for the good of the Regency and his own benefit the best possible results, authorizes him (1) to execute, at a place to be fixed upon in the region of Skira, all works necessary for the shipment of the halfa; the plans of these works shall be submitted for the approval

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of the Government, who will superintend their execution; the works shall always be maintained in good condition. They shall benefit the State under the same conditions as provided for the railway in Article 18 of the Bye-laws.

The Government shall subsequently decide, if necessary, at what tariff the works in question shall be placed by the concessioner at the public disposal without injuring or prejudicing the interest of the working.

(2.) The concessioner shall moreover, during the period of the Concession, be exempt from all customs duties, taxes, or duties of any kind on the material, combustibles, engines, tools, or machinery employed in the building, maintenance, and working of the railway and the works for the shipment of the halfa.

The articles imported free of duty shall be used exclusively for the requirement of the railway and maritime works, and shall not, under any pretext whatever or in any form, be delivered for public consumption. Should there be fraud or abuse of trust proved on the part of any of the agents of the concessioner the latter shall be responsible for it.

Additional Clause.—The right of establishing a railway for the carriage of the halfa, a right of which mention has been made in the Deed of Concession, remains by mutual agreement in reserve until a solution is found of the difficulty which has arisen on this subject, and which the Government of His Highness wish to see settled favourably to the interests of the concessioner.

Written in duplicate for one and the same effect, the 29th of the month of Rejeb 1299 of the Heria, which corresponds to the 14th June, 1882.

Approved the above written :
(Signed) DUPLESSIS.

Visaid for legalization of the above signature of M. Duplessis, concessioner, residing at Paris, at present in Tunis.

Tunis, June 17, 1882.

The Chancellor of the French Consulate,
(Signed) G. ROBINS.

On the original in Arabic are the following remarks: Visaid in verification of the above signature of Si Mohammed, First Minister of His Highness the Bey of Tunis.

The First Dragoman of the Residency,
(Signed) A. SUMMARIFSA.

Visaid for legalization of the above signature of M. Summarifsa, First Dragoman of the French Residency.

Tunis, June 17, 1882.

The Chancellor of the French Consulate,
(Signed) G. ROBINS.

A correct copy.

Tunis, June 17, 1882.

The Chancellor,
(Signed) G. ROBINS.

The Common Seal of the Franco-English Tunisian Esparto Fibre Supply Company (Limited), was hereunto affixed, the 21st day of September, 1882, in the presence of

(L.S.) E. J. HOUGH,
ALGERNON BOURKE,
CHARLES LIGHT,
WILLIAM WRIGHT, } Directors.

Signed, sealed, and delivered by the above-named Edward Jordan Hough, in the presence of

(Signed) F. R. M. PHILIPS, Solicitor,
3, Finsbury Circus, E.C.

No. 245.

Signor Portelli to Earl Granville.—(Received December 19.)

(Telegraphic.)

Tunis, December 19, 1883.

VOLETE avere la bonta di ordinare al Signor Arpa, incaricato Agente, S. M. B., Vice-Console-Generale, di ascoltare miei ragioni d'un falso rapporto ratto [? fatto] contro me?

(Translation.)

WILL you have the goodness to instruct Mr. Arpa [? British] Acting Agent and Vice-Consul-General, to listen to my explanation of a false accusation that has been made against me?

No. 246.

Sir J. Drummond Hay to Earl Granville.—(Received December 20.)

(No. 95. Secret.)

My Lord,

Tangier, December 12, 1883.

WITH reference to my despatch No. 92, Secret, of the 15th November, I have the honour to transmit a translation of an extract from a letter addressed to me by the Vizir Mokhtar by order of the Sultan, informing me that the secret Memorandum I had transmitted to His Sherectian Majesty on the subject of his relations with France had been received.

It is evident from the vague reply of the Vizir that the Sultan had thought it advisable not to impart to his Chief Minister the contents of my Memorandum.

I have not as yet heard of any preparations being made by M. Ordega to visit the Moorish Court, though he had confidentially informed Cid Mohammed Bargash that it was his intention to proceed there this autumn.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 246.

The Vizir to Sir J. Drummond Hay.

(Translation.)

(Extract.)*

(After compliments.)

Moharrem 30, 1301 (December 1, 1883).

WE have received your letter inclosing a secret communication addressed to our Lord the Sultan, and also a Memorandum on the subject of the exportation of wheat and barley.

With regard to the former communication, we delivered it to our Lord, and His Majesty was pleased with it, and approved all that you indicated for his information, and he prayed God for your welfare, and ordered me to say that it had reached him in safety, and will be attended to with consideration.

This, His Majesty said, will suffice to you as his reply.

No. 247.

Mr. Reade to Earl Granville.—(Received December 20.)

(No. 65.)

Royal Hotel, Victoria Embankment, Blackfriars,
December 19, 1883.

I HAVE the honour to report my arrival at the above address, and to state that I hold myself entirely at your Lordship's disposal.

I have, &c.
(Signed) THOS. F. READE.

* For remainder of this letter, see Inclosure in No. 16, Commercial, of December 12, 1883.

No. 248.

Earl Granville to M. Catalani.

M. le Chargé d'Affaires,

Foreign Office, December 20, 1883.

ON the 15th instant you stated verbally that you had been instructed by your Government to submit the expediency of Her Majesty's Government and that of Italy acting in concert in their communications with the French Government respecting the settlement by arbitration of the claims of their respective subjects upon the Regency of Tunis.

You are no doubt aware, M. le Chargé d'Affaires, that in the course of last month I placed in Count Nigra's hands a copy of a note which I had addressed on the 16th November to M. Waddington, stating the conditions upon which Her Majesty's Government would be prepared to surrender British Consular jurisdiction in Tunis, amongst which were the immediate settlement by arbitration, or otherwise, of outstanding claims of British subjects upon Tunis.

On the 21st ultimo the French Ambassador informed me verbally that he had been instructed to express the thanks of his Government for my communication above referred to, and to state that they acceded to the first, second, third, and fifth reservation, whilst as regarded the fourth, namely, the settlement of all outstanding claims by arbitration, they felt some difficulty as regarded questions in dispute which related to title to land (quoting a case in point), which the French Government considered should be settled by the competent Tunisian Tribunal.

His Excellency at the same time asked to be furnished with a list of the British claims, which Her Majesty's Agent and Consul at Tunis has now sent home, and his personal attendance in this country has been requested in order to facilitate in such manner as may be considered expedient the consideration of this matter.

Her Majesty's Government will continue to insist on the fulfilment of the condition thus laid down in regard to the settlement of these claims, but they are of opinion that it will be better for the two Governments to maintain the attitude they have already observed of intercommunication, without having recourse to joint action in this matter.

I have, &c.
(Signed) GRANVILLE.

No. 249.

Dr. Arpa to Earl Granville.—(Received December 21, 5.30 P.M.)

(No. 34.)

(Telegraphic.)

Tunis, December 21, 1883.

AN attempt was made by a French officer and two gendarmes to arrest Carmelo Demeck, a British subject.

The officer slapped his face. He struck him in return, and a scuffle ensued. The officer and gendarmes, of whom one is a Captain, caught hold of Demeck, and would have arrested him but for the action of the Maltese mob and that of two of our janissaries, who rescued the man from their hands. The French came, struggling against their opponents, in the attempt of arresting Demeck, to the very door of the British Consulate, where he got in, and where one of them drew his sword. Will lodge protest at the French Resident's.

No. 250.

Mr. Reade to Mr. Staveley.—(Received December 21.)

Dear Mr. Staveley,

Royal Hotel, Victoria Embankment, December 21, 1883.

I HAVE received your notes as to the cases of Portelli and Levy. Regarding the first I am unable to give any information, but I do not think he and the prisoner "Pai-pai" are the same person. The name "Portelli" is a common one in Tunis, and I scarcely think Pai-pai has the means of telegraphing. It appears to me Dr. Arpa can alone give the required information. I therefore return all the papers about Pai-pai to the Foreign Office.

With reference to Mr. Levy's claim, I can add little to what is stated in my late Report on the subject. I personally visited the spot, and can attest that the site of the property is one of the most important at Gabes, and that the price offered by the French is manifestly inadequate.

Yours, &c.
(Signed) THOS. F. READE.

No. 251.

Sir J. Pauncefote to M. Catalani.

SIR JULIAN PAUNCEFOTE presents his compliments to M. Catalani, and, in reply to his verbal inquiry as to how far Her Majesty's Government have supported the claim of the Maltese Mangano to an indemnity on account of his arrest and imprisonment by the French military authorities in Tunis, has the honour to inform him that Her Majesty's Government have not put forward any claim to indemnity on Mangano's behalf, and that they have not in any way interfered in regard to the claim which it would appear that Mangano has advanced on his own account.

Foreign Office, December 21, 1883.

No. 252.

Mr. Reade to Earl Granville.—(Received December 22.)

(No. 66.)

My Lord,

Royal Hotel, Victoria Embankment, December 21, 1883.

I REGRET to be compelled to bring to your Lordship's notice a violation of the property of General Ben Ayad, which took place on the 10th December, when I was on the point of starting for England, and which I have, up to the present time, been unable to report. Up to that day General Ben Ayad had been in undisturbed possession of the land in question, which adjoins the plot some time since forcibly occupied by Messrs. Maréchal and Delsol. In order to prevent the possibility of an outrage such as has now occurred, two guards, furnished with written and sealed authorities from my office, were put in charge of the ground. Notwithstanding their presence, and the exhibition of their mandates, the land was invaded by a band of persons headed by a Greek subject named G. Gringa (who is himself a tenant of M. Delsol, and who professes to have bought a disputed title), the guardians expelled, and building operations immediately commenced. I called on the Greek Consul on the same day, with a view to see if any amicable arrangement was possible; but I am sorry to say without any satisfactory result, my Greek colleague even going to the length of declaring that he would not recognize the local Tribunals or any other judicial authority in the matter except himself. I accordingly addressed him a written protest (Inclosure 1), and afterwards transmitted to him (Inclosure 2) a Petition presented to me by General Ben Ayad's legal adviser. Two days later the Greek Consul sent me an answer (Inclosure 3) to my first communication, in which he ignores entirely the fact of the land having been under the guard of persons appointed by Her Majesty's Consulate-General, and the presence of one of his own janissaries at the time the outrage was committed.

I am consequently compelled to place the matter in your Lordship's hand, and venture at the same time to express a hope that measures may be taken to put a stop to these unprecedented acts of aggression.

The offence now complained of is all the more flagrant as, on a late occasion, a similar question arose with the French military authorities,* who, on becoming aware of the protest it had become my duty to record against them, immediately surrendered the ground they had taken to the custodians they had found in charge of it.

I have, &c.
(Signed) THOS. F. READE.

* I reported the matter to your Lordship at the time telegraphically.—T. F. R.
[1445]

Inclosure 1 in No. 252.

Mr. Reade to M. Vasiliades.

Tunis, December 10, 1883.

Sir,

WITH reference to the subject of our interview this afternoon, I have the honour to repeat in a written form the protest which I have already verbally made on my own behalf as well as on that of my administré, Sid General Hamida Benayad, for the invasion and forcible occupation of a plot of ground belonging to him in the vicinity of the "Régie de Tabacs," by a Greek subject named Gringa, notwithstanding the presence and protestations of a watchman named Hadj Mohammed Susi, who had been placed there by myself for the better security of the property.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 252.

Mr. Reade to M. Vasiliades.

Tunis, December 12, 1883.

Sir,

AT the request of my administré, the General Sid Hamida Benayad, I have the honour to transmit to you the accompanying copy of a Petition which that gentleman has, through his attorney, addressed to me respecting the forcible seizure and occupation, by a Greek subject named Gringa, of a plot of ground belonging to him in the Marina Quarter of this city, notwithstanding the presence there of two custodians of the same, who had been placed there by my orders, and were furnished with certificates to that effect with my official signature thereto affixed, which they (the said custodians) did not fail to exhibit to the invaders of the property.

Having brought this matter personally to your notice, and failed to obtain, through your official intervention, the redress to which I was entitled for an outrage which is almost without parallel in this country, and which has been aggravated by the appearance on the ground of a janissary of your office, I can now only place the matter in the hands of Her Majesty's Government—a duty which the views you were so good as to express to me as to the validity of M. Gringa's title, and incompetency of the local Tribunals to adjudicate in questions of this nature, have rendered doubly necessary.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 3 in No. 252.

M. Vasiliades to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, le 2 (14) Decembre, 1883.

J'AI l'honneur de vous accuser réception de la communication que vous m'avez adressée, en date du 10 de ce mois, par laquelle vous me faites connaître l'invasion et l'occupation forcée d'un terrain situé dans cette ville et appartenant, d'après votre avis, au Général Hamida Benayad, votre administré, par le Sieur J. Gringa, sujet Hellène, et que, par suite de cette occupation forcée, vous protestez contre ce Consulat Royal pour n'avoir pas empêché cette occupation.

En réponse à votre communication susénoncée, permettez-moi, M. l'Agent et Consul-Général, de vous répéter, au sujet de cette affaire, tout ce que je vous ai exposé verbalement, pendant notre entrevue, que le Consulat de Sa Majesté n'aurait jamais permis à des sujets Hellènes d'envahir une propriété étrangère, et comme le Sieur J. Gringa n'a fait aucune invasion sur une propriété Anglaise, mais tout simplement il prit possession du terrain qui lui a été cédé en "enzel," moyennant des actes officiels de concession par le Dr. Campagnolo, sujet Italien, qui était lui-même concessionnaire légitime de ce terrain, en vertu des titres officiels de l'Administration de la Medersa Sadika. Pour toutes ces raisons, le Consulat Royal n'aurait jamais pu ordonner au dit Sieur Gringa d'abandonner ce terrain, étant fourni des titres authentiques qui le constituait locataire perpétuel du terrain en question, sans attirer sur lui de graves responsabilités. Si, cependant, le Général Hamida Benayad croit avoir des raisons pour revendiquer la propriété du terrain légitimement occupé par Gringa, il

pourrait, à mon avis, les adresser compétemment et à qui de droit. Si par contre il voudrait attaquer comme étant d'aucune valeur la concession en "enzel" du dit terrain faite à Gringa par le Dr. Campagnolo, il n'a qu'à lui intenter un procès, suivant les usages internationaux en vigueur dans ce pays, devant le Tribunal Consulaire Hellénique aux fins que de droit.

En terminant, je veux espérer, M. l'Agent et Consul-Général, que vous voudrez bien me permettre de faire tomber la responsabilité que vous venez de diriger contre ce Consulat Royal par votre protestation à tout autre qu'à moi, d'autant plus que cette protestation est sans fondement et par conséquent inadmissible.

Agréez, &c.
(Signé) E. VASILIADES.

Inclosure 4 in No. 252.

Mr. Reade to M. Vasiliades.

Tunis, December 13, 1883.

Sir,

I HAVE the honour to acknowledge the receipt of your official letter of yesterday, replying to one I had addressed you on the 10th instant, protesting against the invasion and forcible occupation of land belonging to General Benayad by a Greek subject named Gringa, and I can only express my astonishment that, notwithstanding my above-stated letter of the 10th instant and the one which followed from this Office on the 12th instant, to which you do not refer, you should persist in ignoring the circumstance that whether the ground in question was rightly or not in the possession of the British subject, it was at the time occupied and in the charge of custodians placed there by this Agency and Consulate-General and furnished with official certificates of the fact, which they did not fail to exhibit in justification of their protestations when the invasion took place.

As to the merits of the question regarding the validity of Benayad's or Gringa's title, I leave it to those who are more competent than I am to decide. Time will show whether the Medersa Sadkia had the right to dispose, as it has done, of Benayad's property. In the meanwhile, I must insist that the authority of the office with which Her Majesty's Government has intrusted me shall be treated with the respect to which it is entitled, and if, instead of attacking the party who had transferred to him a property he found occupied by custodians representing the English Consulate-General, M. Gringa chose to buy a claim to an alleged "enzel" which he knew perfectly well was, to say the least, disputed by Benayad, and take it by force in defiance of the Consulate-General, and is supported in this procedure by his own Consular authority, it will be my duty to make such representations to Her Majesty's Government as I trust will bring to an end a state of things which in no country with a Constitutional form of Government would for one moment be tolerated, and which, apart from all other considerations of propriety and justice, is so calculated to disturb the peace and tranquillity of the whole community.

I have, &c.
(Signed) THOS. F. READE.

No. 253.

Dr. Arpa to Earl Granville.—(Received December 22.)

(No. 35.)
(Telegraphic.)

Tunis, December 22, 1883.

I AM informed by the French Consul-General, M. Patni, that Portelli, alias Pai-pai, was sentenced by French military authorities to two years' imprisonment.

No. 254.

Earl Granville to Sir J. Drummond Hay.

(No. 55.)

Foreign Office, December 22, 1883.

Sir,

I TRANSMIT to you herewith, for your observations, copy of a further letter which I have received from Messrs. McNaught, Pearse, and Middleton upon the subject of

the events arising out of the proceedings of the Sûs and North African Trading Company.*

Her Majesty's Government are not disposed, upon the information before them, to alter their views as to the illegality of the proceedings of this Company, but they cannot view without concern the imprisonment of the Company's native servants, who are not primarily responsible for infringing the fiscal regulations of Morocco, inasmuch as they were incited by British subjects to commit the acts for which they are now suffering punishment.

Her Majesty's Government would therefore be glad if you saw your way to urging the Sultan to liberate these unfortunate men as an act of grace.

Mr. McNaught called at this Office on the 6th instant to urge the claims of the Company to redress. He stated that he had placed in your hands a Memorandum of the facts of the case, which had not been communicated by you to Her Majesty's Government, and he has since furnished this Office with a copy of it, which you will find in his letter of the 7th, transmitted herewith.† I should be glad to receive a report from you on that part of his statement in which it is alleged that the goods were landed with the knowledge and sanction of an officer of the Sultan, named Kaid Boazza, who himself purchased some of them; and that, even on the arrival of the Sultan's Envoy and soldiers, no objection was made on the ground of illegal traffic, but that, on the contrary, they were encouraged by the latter in the belief that their goods would be safe. If so, they were the victims of a deception practised on them by the officers and agents of the Sultan, which would throw a different light on the transaction, and call for further inquiry.

I am, &c.
(Signed) GRANVILLE.

No. 255.

Sir J. Pouncefote to Messrs. McNaught, Pearse, and Middleton.

Gentlemen,

Foreign Office, December 24, 1883.

I AM directed by Earl Granville to inform you that your letters of the 27th ultimo and 7th instant, respecting the operations of the Sûs and North African Trading Company in Morocco, are under consideration.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 256.

Sir R. Morier to Earl Granville.—(Received December 25.)

(No. 193. Secret and Confidential.)

My Lord,

Madrid, December 21, 1883.

WITH reference to my last preceding despatch, I have the honour to state to you that I had this day an opportunity of speaking to Señor Ruiz Gomez on Moorish affairs, and that I asked his Excellency whether he had received any fresh news from Señor Diosdado. He said he had not, and added, with reference to that Agent's last communication, that he had written to him to put water into his wine, and not to be too much *impressionné* by the doings of his French colleague, but to watch them carefully and report thereon to his Government. I inferred from what fell from his Excellency that Señor Diosdado's Report must have been far less reserved and more outspoken than that of Sir J. D. Hay.

His Excellency then repeated what he had said to me on the last occasion we had spoken together on the subject, as reported in my despatch No. 175, Confidential, of the 20th November, to the effect that any offensive action by France in Morocco would have as its immediate and necessary consequence the throwing of Spain into the arms of Germany, and on the present occasion he particularly requested me to inform your Lordship of what he had said.

I confess that this repetition of the same declaration, and his Excellency's insistence on it, showing that on the former occasion they were not mere words, casually uttered, have somewhat preoccupied me, as showing what appears to me such a total misconcep-

* No. 201*.

† No. 226*.

tion of the relations which Germany may be wishing to establish with Spain. For nothing, I should think, could be further from Prince Bismarck's thoughts than the sending, at the beck and call of Spain, of a Prussian army to Morocco to oppose a French invasion, and I cannot but regard this as one of the unfortunate results of the Crown Prince's visit, and of the policy of publicly advertising anti-French alliances, even where they do not exist, which gave rise to the visit. The Spaniards have no idea of binding themselves to be on the side of Germany should a war break out. But they have got to believe that their alliance is indispensable, and that in any difficulty they have only to hold up a little finger and therewith to call forth the German legions to their assistance.

I have been struck all the more by these utterances because of Señor Ruiz Gomez's extreme desire to keep clear of entangling alliances, and of his genuine wish to do all he can to stand well with France, and my conviction, therefore, is that on both occasions he was giving utterance rather to the collective opinion of the Cabinet, thus bearing unconscious witness to the prevailing state of the Ministerial atmosphere on the subject, than expressing his own deliberately formed views.

I asked the Minister of State whether he had in any way referred in his conversations with the French Ambassador, or in his instructions to the Duke de la Torre, to the Reports from Señor Diosdado. His Excellency replied that unfortunately his relations with the French Ambassador were of a kind which rendered any profitable conversation with him impossible. The lamentable events at Irun, Baron Des Michels' attitude of malevolent chicanery, which absorbed his entire activity in the raising of questions of etiquette and procedure, made it impossible for him to converse with his Excellency on those confidential and intimate terms which were indispensable to the cultivation of friendly relations. But Señor Ruiz Gomez added that he should not think of making making serious remonstrances to France in connection with Morocco without previous consultation with Her Majesty's Government.

I should, in conclusion, add, with reference to what Señor Ruiz Gomez said relative to Baron Des Michels, that his Excellency gave me very clearly to understand that the continuance of that personage as French Ambassador here would render the renewal of friendly relations with France impossible, and, in view of the strong public feeling which his conduct at Irun has elicited, might any day bring about a catastrophe. He allowed me not less clearly to perceive that he would consider it a friendly act both towards France and Spain if your Lordship would find a confidential opportunity to point out to the French Government how indispensable it would be to have an Ambassador here who would be better calculated than Baron Des Michels to cultivate good relations between the two countries.

I have, &c.
(Signed) R. B. D. MORIER.

No. 257.

Sir J. Pouncefote to the Law Officers of the Crown and Dr. Deane.

Gentlemen,

Foreign Office, December 26, 1883.

I HAVE the honour to transmit to you, by direction of the Secretary of State, the accompanying draft of an Order in Council* which it is proposed to pass on the 1st January next for the abandonment of Her Majesty's Consular jurisdiction in Tunis.

That jurisdiction is at present regulated by the Ottoman Order in Council of the 11th December, 1873,† and the Ottoman (Tunis) Order in Council of 1881.‡

I am to invite your attention to Earl Granville's letter to the French Ambassador of the 16th November, 1883,§ in which certain conditions are laid down, on which the consent of Her Majesty's Government to abandon British Consular jurisdiction in the Regency is made to depend.

Those considerations have been acceded to by the French Government, and they are most anxious that the new régime should be introduced on the 1st January, 1884.

The French Law establishing the new Tribunals will be found at p. 39 of the printed correspondence (Tunis, 4853, 1882-83). It is dated the 27th March, 1883, and was published in the Tunisian Government Gazette (*Ibid.*, p. 35). By a Decree of the

* Draft Order in Council.

† Ottoman Order in Council, December 12, 1873.

‡ Tunis Order, 1881.

§ To M. Waddington, November 16, 1883.

Bey of Tunis of the 5th May last (Correspondence, p. 41) it is declared that the subjects of foreign Powers whose Consular jurisdiction shall have been abandoned shall become justiciable by the French Tribunals under the same conditions as French subjects.

As regards the form of the Order in Council, I am to refer you to a Memorandum by the late Sir F. Reilly of the 15th June (Correspondence, p. 48). Since that date the French Tribunals have been actually established, and their power to exercise jurisdiction over foreigners is derived from Article 2 of the French Law of the 27th March (Correspondence p. 39), and the Decree of the Bey of the 5th May (*Ibid.*, p. 41). You will observe that the draft Order has been prepared substantially in the form suggested by Sir F. Reilly, and in accordance with the precedent referred to in his Memorandum, and which you will find at p. 147 of the accompanying collection of Orders in Council for Turkey and Egypt.*

Her Majesty's Court for Tunis will still continue to exercise its powers for the purpose of disposing of pending cases, and of cases relating to real property, as to which I am to refer you to the French Memorandum (Correspondence, p. 61), under the title "Observations Générales."

I am to request that you will take the papers transmitted herewith into your consideration,† and that you will favour Lord Granville with your opinion as to whether the draft Order may properly be submitted to the Queen for Her Majesty's approval.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 258.

Sir H. Ponsonby to Sir J. Pauncefote.—(Received December 27.)

(Telegraphic.)

Osborne, December 27, 1883.

PEEL telegraphs about a Council, saying he has asked you if it is absolutely necessary immediately. Please let me hear what answer you send him.

No. 259.

Minute by Sir J. Pauncefote.

Lord Granville,

I HAVE at last come to terms about the British claims, subject to your approval and confirmation.

As regards all pecuniary claims, they will be settled, if possible, by negotiation, and failing that, by arbitration (subject to stipulations recorded in M. Waddington's letter).

Claims relating to land will be settled by the Native Tribunals, or "Sharah," it being agreed that whichever party ought by law to be the plaintiff shall at once commence proceedings against the other, and in case of dispute as to which should be plaintiff and which defendant, the Sharah shall decide this preliminary point.

Pai-pai is to be released. (This is a further point I bargained for.)

M. Waddington has just called with the reply to our letter of the 16th November, embodying the mode of carrying out Article IV, as settled by Baron d'Estournelles and myself. It specifies only "réclamations mobilières," but he said we would exchange notes about the "réclamations immobilières," as they were to be dealt with in the ordinary course of law, and the stipulations respecting them would confuse the present reply.

He said Pai-pai would be released, and expressed his warm thanks for the efforts we had made to bring matters to a conclusion.

If you approve of the terms, will you be kind enough to return the French reply for M. Waddington's signature?

I hope the Order in Council can be passed at latest on the 1st January. We should make a push for Monday, the 31st December.

We shall have to telegraph to Dr. Arpa to take no cases after the 31st.
December 27, 1883.

J. P.

* Order in Council for Turkey and Egypt.

† Papers indicated in previous footnotes, and additional papers: To Law Officers, September 6; Law Officers, October 10; to Lord Lyons, No. 1111, November, 21, 1883.

No. 260.

Sir J. Pauncefote to Mr. C. L. Peel.

Sir,

Foreign Office, December 28, 1883.

I AM directed by Earl Granville to transmit to you, to be laid before the Lords of Her Majesty's Most Honourable Privy Council, for such steps as may be necessary for giving effect to the same, the accompanying draft Order in Council, bearing date the 31st instant, having for its object the abandonment, on and after the 1st January, 1884, of Her Majesty's Consular jurisdiction in the Regency of Tunis.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

Inclosure in No. 260.

Draft Order in Council.

AT the Court at Osborne, the 31st day of December, 1883.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Whereas, by Treaty, Capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in the Regency of Tunis;

And whereas the exercise of the power and jurisdiction aforesaid is now regulated by an Order of Her Majesty in Council made the 12th day of December, 1873, and several amending Orders in Council, and by the Ottoman (Tunis) Order in Council of 1881, establishing Her Britannic Majesty's Court for Tunis;

And whereas, by virtue of certain laws of the French Republic, and of certain Decrees of His Highness the Bey of Tunis, French Tribunals have been established in the Regency;

And whereas, by a Decree of His Highness the Bey of Tunis, dated the 5th March, 1883, it is declared that the subjects of foreign Powers whose Consular Courts in the Regency shall be abolished shall be justiciable by the said French Tribunals under the same conditions as French subjects;

And whereas Her Majesty the Queen has consented to abandon her Consular jurisdiction, with a view to British subjects in the Regency becoming justiciable by the said French Tribunals, under the same conditions as French subjects and to the extent of the jurisdiction vested by law in the said Tribunals;

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

As regards all such matters and cases as come within the jurisdiction of the said French Tribunals, the operation of the Orders in Council regulating Her Majesty's Consular jurisdiction in Tunis shall cease to be in force and operation within the Regency on and after the 1st day of January, 1884, except as regards any judicial matters pending in Her Britannic Majesty's Court for Tunis on the day above mentioned.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

No. 261.

Earl Granville to Dr. Arpa.

(Telegraphic.)

Foreign Office, December 28, 1883, 5.45 P.M.

AN Order in Council will be passed on the 31st instant abolishing the jurisdiction of Her Britannic Majesty's Court for Tunis on and after the 1st January next, except as to pending cases.

No new cases, therefore, should be taken by you after the 31st instant.

M. Waddington to Earl Granville.—(Received December 29.)

M. le Comte,

Londres, le 29 Décembre, 1883.

EN me référant à la lettre du 16 Novembre dernier, par laquelle votre Excellence a bien voulu me faire connaître dans quelles conditions le Gouvernement de Sa Majesté la Reine serait disposé à supprimer pour le 1^{er} Janvier prochain sa Cour Consulaire à Tunis, je suis heureux de vous faire savoir que le Gouvernement de la République ne voit aucune difficulté à accepter ces conditions.

Il n'y a, en réalité, que l'Article 4 de ces conditions qui ait nécessité quelques explications entre nous; je me permettrai de rappeler à votre Excellence ce dont nous sommes tombés d'accord à cet égard.

Les contestations mobilières entre le Gouvernement Tunisien et des sujets ou protégés Anglais seront réglées à l'amiable, s'il est possible, et sinon soumises à un arbitrage.

Les arbitres seront choisis d'une part pour le Gouvernement Tunisien par le Gouvernement de la République, d'autre part pour les sujets ou protégés Anglais par le Gouvernement de Sa Majesté; ils désigneront, en cas de désaccord, un tiers arbitre. (Les frais de l'arbitrage seront payés par les parties dans la proportion fixée par les arbitres.)

Il est bien entendu que ce règlement arbitral ne pourra en aucune façon revenir sur l'arrangement international du 23 Mars, 1870, et sur les décisions de la Commission Financière qui a été instituée dans l'intérêt des créanciers Européens par la France, la Grande-Bretagne, et l'Italie.

Par conséquent, ne peuvent être soumises à l'arbitrage les réclamations antérieures au dit arrangement: c'est-à-dire celles qui étant de la compétence de la Commission, n'auront pas été présentées à la Commission avant le 20 Février, 1870, date à laquelle les dettes du Gouvernement Tunisien ont été irrévocablement arrêtées.

Dans le cas où il y aurait contestation entre les parties sur la question de savoir si une réclamation antérieure à la date du 20 Février, 1870, n'aurait pas été présentée en temps utile à la Commission Internationale, les arbitres, avant d'examiner quant au fond, consulteront la Commission.

Si celle-ci déclare que la réclamation n'a pas été présentée en temps utile, la réclamation ne sera pas soumise à l'arbitrage et restera déchuë.

Si elle déclare, au contraire, que la réclamation lui a été présentée en temps utile, et s'il est établi que c'est par une cause dont le réclamant n'est pas responsable, qu'elle ne l'a pas classée, la réclamation sera jugée par les arbitres.

Si leur sentence condamne le Gouvernement, la réclamation sera renvoyée de nouveau à la Commission, afin qu'elle soit classée dans les conditions de l'arrangement du 23 Mars, 1870.

Veillez, &c.
(Signé) WADDINGTON.

No. 263.

Mr. Reade to Mr. Staveley.—(Received December 31.)

Dear Mr. Staveley,

London, December 29, 1883.

I HAVE read the papers as to the position of the English Esparto Company at Tunis. The assertions contained in the Secretary's letter are to my knowledge correct. Much further trouble might be obviated by the French authorities at once allowing the Company to carry out the scheme of a tramway in accordance with the terms of the Concession and the requirements of their undertaking. If, for military purposes, the French desire a railway of broader gauge, it seems to me the Company cannot be expected to bear the increased cost.

Very truly, &c.
(Signed) THOS. F. READE.

M. Waddington to Earl Granville.—(Received December 31.)

M. le Comte,

Londres, le 30 Décembre, 1883.

AU moment où s'est établie définitivement entre le Cabinet de Sa Majesté et le Gouvernement de la République une entente relative à l'abolition de la juridiction Consulaire Anglaise en Tunisie, votre Excellence a bien voulu me manifester le désir de voir l'autorité Française user de clémence envers le Maltais Paï-Paï, récemment condamné à Tunis.

M. le Président du Conseil, auquel j'ai fait part de votre demande, me charge aujourd'hui, M. le Comte, de vous exprimer son bon vouloir en ce qui concerne Paï-Paï, et il m'annonce que le Gouvernement est tout disposé à provoquer sa grâce. Malheureusement, le détenu a fait appel devant la Cour de Révision du jugement qui le condamne, et, pour cette raison, le Ministère ne saurait prendre l'initiative d'une mesure de clémence qu'il pourrait repousser.

Il y aurait lieu, en conséquence, d'engager le Sieur Paï-Paï à saisir le Gouvernement Français d'un recours en grâce qui impliquerait désistement de l'appel. C'est à la suite de cette démarche que le détenu serait certainement l'objet d'une mesure de clémence de la part de M. le Président de la République.

Veillez, &c.
(Signé) WADDINGTON.

No. 265.

Mr. Broadley to Mr. Reade.—(Communicated to Earl Granville by Mr. Reade, December 31.)

My dear Mr. Reade,

Bradpole, Bridport, December 30, 1883.

I AM sorry to hear of the restriction as to my client, General Ben Ayad's claim. The French have tried to take an unfair advantage of this technicality to hamper our case at the outset. The reason why many claims were not registered in 1870 is very simple. They were then in the form of unliquidated accounts current, and could not, for obvious reasons, be entered as a specific amount claimed. In other cases his demand was then against the Prime Minister, and it was only subsequently to that date that it was sought to throw the responsibility on the Government. I can understand the Tunisian authorities putting forward this plea as a defence, but not as an obstacle to any inquiry with a view to a settlement. Not only was the existence of these claims peculiarly within the cognizance of the Bey's Government, but during our five years' negotiations such an objection as this has never been mentioned or even thought of. I am afraid this restriction will give the Beylical authorities a very lamentable advantage over Ben Ayad, and I still trust the English Government may endeavour to amend this crucial point in the arrangement.

Truly yours,
(Signed) A. M. BROADLEY.

No. 266.

Mr. Peel to Sir J. Pauncefote.—(Received December 31.)

Sir,

Council Office, Whitehall, December 31, 1883.

I AM directed by the Lord President of the Council to transmit to you the inclosed Order of Her Majesty in Council of this day's date, having for its object the abandonment on and after the 1st January, 1884, of Her Majesty's Consular jurisdiction in the Regency of Tunis; and I am to request that you will be pleased to lay the same before the Secretary of State for Foreign Affairs.

I am, &c.
(Signed) C. L. PEEL.

Inclosure in No. 266.

Order in Council, dated December 31, 1883.

At the Court at Osborne House, Isle of Wight, the 31st day of December, 1883.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.
His Royal Highness PRINCE LEOPOLD, Duke of Albany.
LORD PRESIDENT.
SIR HENRY PONSONBY.

WHEREAS by Treaty, Capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in the Regency of Tunis; and whereas the exercise of the power and jurisdiction aforesaid is now regulated by an Order of Her Majesty in Council, made the 12th day of December, 1873, and several amending Orders in Council, and by the Ottoman (Tunis) Order in Council of 1881, establishing Her Britannic Majesty's Court for Tunis; and whereas, by virtue of certain Laws of the French Republic and of certain Decrees of His Highness the Bey of Tunis, French Tribunals have been established in the Regency; and whereas, by a Decree of His Highness the Bey of Tunis, dated the 5th March, 1883, it is declared that the subjects of foreign Powers whose Consular Courts in the Regency shall be abolished, shall be justiciable by the said French Tribunals under the same conditions as French subjects; and whereas Her Majesty the Queen has consented to abandon her Consular jurisdiction, with a view to British subjects in the Regency becoming justiciable by the said French Tribunals under the same conditions as French subjects, and to the extent of the jurisdiction vested by law in the said Tribunals.

Now, therefore, Her Majesty, by virtue and in exercise of the Powers in this behalf by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

As regards all such matters and cases as come within the jurisdiction of the said French Tribunals, the operation of the Orders in Council regulating Her Majesty's Consular jurisdiction in Tunis shall cease to be in force and operation within the Regency on and after the 1st day of January, 1884, except as regards any judicial matters pending in Her Britannic Majesty's Court for Tunis on the day above mentioned.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain.

(Signed) C. L. PEEL.

No. 267.

Earl Granville to M. Waddington.

M. l'Ambassadeur,

Foreign Office, December 31, 1883.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 29th instant, in reply to mine of the 16th November last, which stated the conditions upon which Her Majesty's Government would be prepared to abolish British Consular jurisdiction in Tunis from the 1st proximo.

Your Excellency now informs me that your Government have no difficulty in accepting those conditions, and recapitulates the details of the arrangement to which the French Government give their adhesion, in regard to the manner in which outstanding claims of British subjects in Tunis, referred to in the fourth reservation in my note of the 16th November, shall be dealt with.

I have now the honour to inform your Excellency that the arrangement thus proposed for disposing of the claims of British subjects are satisfactory to Her Majesty's Government, and that they have taken the necessary measures for closing Her Majesty's Consular Courts for Tunis on the 1st January, except for pending cases, and such matters, if any, as may not be within the jurisdiction of the French Tribunals.

In your Excellency's letter no allusion is made to the claims of British subjects relating to land, it having been arranged that the mode of procedure agreed upon in those cases should form the subject of an exchange of notes.

I shall therefore have the honour of addressing a further communication to your Excellency with reference to those cases.

I have, &c.
(Signed) GRANVILLE.

No. 268.

Sir J. Pauncefote to the Franco-English Tunisian Esparto Fibre Supply Company (Limited).

Sir,

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 18th instant, calling attention to the position of the Franco-English Tunisian Esparto Fibre Supply Company, and requesting the protection of Her Majesty's Government; and, in reply, I am to inform you that your statements shall receive attention.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

Appendix.

No. 175*.

Mr. Reade to Earl Granville.—(Received November 15.)

(No. 55.)

My Lord,

Tunis, November 8, 1883.

WITH reference to my despatch No. 52 of the 1st instant and the case mentioned in the 6th inclosure of that communication as pending between a British subject named Giuseppe Camilleri and certain of the authorities and subordinate officials of Porto Farina, I have the honour to transmit to your Lordship the inclosed copies of all the correspondence that has passed between the French Residency and myself on the subject.

As already reported, the said authorities and subordinate officials took advantage of the temporary absence of the British subject to forcibly enter a store which he had been allowed to occupy for some time previously in the dilapidated and disused precincts of the arsenal, which formerly existed in the above town.

The reason given for this act of violence was that search had to be made in the store for tobacco and gunpowder; but why that search could not have been deferred until the occupant of the store returned from Tunis, whence he was daily—I believe, hourly—expected, does not appear. Not finding either gunpowder or tobacco,—the trade in which is a matter of monopoly—merchandise was seized which it is permitted to anybody to traffic in; and, in order that the action or the aggressors may appear to be justified, a plea is set up that the goods seized could not have been imported except in contraband. No vessel is, however, indicated as the one which conveyed those goods to Porto Farina, nor is it attempted to prove that they were landed from any ship at all. The seizure was consequently effected on the mere supposition of contraband.

It is moreover urged that the store entered formed part of a fort, and that being Government property and unrented, it could be visited at any time, and without regard for the occupying tenant. Whether the premises in which the store is situated can rightly be called a fort is, it appears to me, immaterial. (I may state, however, between parenthesis, that there is only one building at Porto Farina so designated, and that between it and what remains of the arsenal there is not even the remotest connection.) Camilleri, like many others, was permitted to keep his goods there under lock and key, and, although he appears not to have paid any fixed sum as rent, it is known that the officer in charge of the building received *douceurs* from him as an equivalent. In the absence of any formal understanding about the rent, the tenant was perhaps liable to ejection at any time, but that he was also liable to have his tenement invaded and his property confiscated in the manner already related, it is impossible to conceive.

It is hardly necessary I should state that in this country no domiciliary visit or execution upon property of a foreign subject can take place in tenements or lands occupied by him, except by order or with the acquiescence of the Consular authority. This rule has been consecrated by International Treaty and long-established usage, and I do not hesitate to affirm that any deviation from it would, in the actual state of this country's administration, lead to consequences of a baneful nature to our interests. Cases which it has been my duty to submit to your Lordship's notice, and others about which I am still engaged in what I fear is a hopeless controversy with my French colleague, show the little regard that is now paid by the ruling authorities to the rights of property, and there is no doubt a very marked and increasing tendency to expropriate private property is discernible in the powers that be.

Your Lordship will pardon me for referring to the French intermediation as the cause of much of the difficulties I experience in the transaction of business with this Government. Had I been able to treat directly with the native Ministers and other functionaries of the Bey, in the matter which forms the primary subject of this despatch, I have no doubt I should, long ago, have succeeded in coming to a satisfactory solution. My Italian colleague, with an even more numerous colony to watch over than I have, has frequently assured me that all his grievances with the Tunisian

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Government are promptly redressed; and a corresponding state of things I have found to exist at Sfax and other parts of the Regency, where British subjects appear—in the European community—as the only or principal victims of arbitrary government. The more fortunate situation of Italian subjects can only be attributed to the circumstance that French intermediation has not been admitted by their Government.

Although holding office as the Bey's Minister for Foreign Affairs, M. Cambon appears generally as an uninterested medium of communication with His Highness' Governmental Administration. The consequence is that the replies given to my applications for redress are almost invariably couched in negative or evasive terms. The functions of Government, which, until recently, were essentially those of determining causes submitted to it, have given place to a system of advocacy and partisanship which tends greatly to protract negotiation, and renders all efforts to arrive at a prompt and satisfactory solution of differences nugatory.

To obtain the punishment of an official in the Bey's service has become a hopeless matter, as, however culpable and flagrant his conduct, the Government never fails to defend him. Of this, I can, if necessary, mention various instances. In the present case, there is no doubt the Khalifa or Vice-Governor of Porto Farina, Sid Abdallah-el-Kuruy, is mainly responsible, as, without his authority, the perquisition complained of could not have taken place; nor could the notaries who assisted, on the same occasion, have acted without his express permission. I may add that he (the Khalifa) is a man of bad reputation, and that, although he has been several times discharged from his post, he appears to be held in favour by the French Bureau Arabe.

I have only to suggest, in conclusion, that, in the event of continued unwillingness on the part of this Government to afford reparation for the present outrage, arbiters be named to assess the amount of indemnity due to the British claimant.

Whether any further satisfaction will be necessary, on account of the political character of the offence committed, I will not presume to determine.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 175*.

Mr. Reade to Baron d'Estournelles.

Sir,

I HAVE the honour to place before you the accompanying copy of a letter which I have received from M. Charles Pietri, Avocat, on behalf of Joseph Camilleri, a British subject, complaining that a store belonging to him at Porto Farina was, some days ago, broken open and entered by Agents of the Tobacco Monopoly, who, it is alleged, obtained an order to that effect from the Military Commandant of that place.

Particulars are given in the inclosed Petition as to the results of the search, and a request put forward for restitution of the articles seized.

I feel, however, it is incumbent in me to demand that some formal notice may be taken of the conduct of the officer under whose immediate authority the violation of the British subject's domicile took place.

It is scarcely necessary I should add that, apart from all other considerations, no search can be effected inside the premises which are occupied by a British subject, for tobacco or any other article, without the consent previously obtained of Her Majesty's Consular authority.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 175*.

M. Pietri to Mr. Reade.

M. le Consul-Général,
EN ma qualité d'avocat de M. Camilleri (Joseph), négociant à la Goulette, j'ai l'honneur de vous exposer ce qui suit.

Le 4 Juillet dernier trois individus se disant les Agents de la Régie des Tabacs se sont présentés devant le Kalifa de Porto Farina pour lui demander l'autorisation

d'ouvrir un magasin appartenant à Mr. Camilleri et dans lequel, disaient-ils, se trouvait de la poudre. Le Kalifa refusa l'autorisation demandée. Mais le Commandant du détachement Tunisien, auquel ils s'adressèrent, fit droit à leur demande. La porte du magasin a été enfoncée par un serrurier qui avait été requis. Au lieu de poudre on a trouvé de l'ail, que les Agents ont confisqué.

Le magasin a été refermé et la clef en a été confiée au Commandant Tunisien.

En cette circonstance le Commandant Tunisien a violé le Traité intervenu entre son Gouvernement et le Gouvernement Anglais, en vertu duquel aucun Agent de l'Administration Beylicale ne peut pénétrer dans une maison ou dans un magasin appartenant à un sujet Anglais sans en avoir au préalable demandé l'autorisation au Consul d'Angleterre, et c'est en présence d'un Dragoman du Consulat et du propriétaire de la maison ou du magasin que la perquisition doit être faite.

Le Commandant Tunisien devait refuser l'autorisation qu'on lui demandait et renvoyer les Agents de la Régie des Tabacs devant le Consulat d'Angleterre, car il n'avait point qualité pour accorder cette autorisation.

Je me permets donc de signaler à votre attention cette violation flagrante du Traité afin qu'une réparation soit demandée au Gouvernement Tunisien.

En ce qui touche la perquisition faite dans le magasin par les Agents de la Régie des Tabacs, je vous ferai remarquer que ces Agents n'avaient point qualité pour rechercher et saisir la poudre; ils ne peuvent que saisir le tabac introduit en contrebande. Par conséquence, ils n'étaient pas plus en droit de confisquer l'ail qui était dans le magasin de mon client que la poudre qui aurait pu s'y trouver.

Cet ail a été acheté à Porto Farina et devait être transporté à la Goulette et à Tunis. Je ne pense pas qu'il soit défendu à un commerçant d'avoir de l'ail en dépôt dans son magasin, à moins qu'il ne soit prouvé qu'il l'ait reçu de l'étranger contrairement aux règlements aujourd'hui en vigueur, et c'est à l'autorité compétente qu'incombe le soin de faire cette preuve. Cette preuve n'a pas été faite.

En conséquence, je viens vous prier, M. le Consul-Général, de vouloir bien demander à qui de droit la levée de la saisie, et la restitution de la marchandise, qui a été illégalement confisquée à Mr. Camilleri par des Agents qui n'avaient point qualité pour opérer cette saisie, sans préjudice de la réparation qui est due en raison du dommage éprouvé par mon client, et pour l'obtention de laquelle je sollicite votre intervention.

Veillez, &c.
(Pro Joseph Camilleri),
(Signé) CHARLES PIETRI, Avocat.

Inclosure 3 in No. 175*.

Mr. Reade to Baron d'Estournelles.

Sir,

WITH reference to my letter of the 14th ultimo, complaining on behalf of a British subject named Giuseppe Camilleri, of a store in his occupation at Porto Farina having been forcibly broken into and entered by Agents of the Tobacco Monopoly, under, as it is alleged, an order from the military authorities at that place, I have received a further Petition from the complainant, of which I beg herewith to inclose a copy, begging that, in view of the perishable nature of the merchandize seized, and the fact of its not being of the kind that was sought for, the same may be at once restored to him, in which case, and pending the result of the inquiry which you tell me has been set on foot in the matter, the complainant would, of course, be responsible for the possession, or, if necessary, presentation hereafter of the merchandize.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 4 in No. 175*.

M. Pietri to Mr. Reade.

M. le Consul-Général,

J'AI l'honneur de solliciter encore une fois votre intervention énergique pour que la marchandise qui m'a été confisquée à Porto Farina me soit restituée le plus tôt possible.

Tunis, le 11 Août, 1883.

J'ai été victime, dans cette affaire, d'un acte arbitraire commis par les Agents de M. Missud, Directeur de la Régie des Tabacs, et je ne puis supporter plus longtemps les conséquences de cette acte.

Tout en me réservant mon recours contre qui de droit, je vous serai très reconnaissant de vouloir bien demander à ce que la marchandise confisquée indûment me soit restituée immédiatement.

Veillez, &c.
(Pro Joseph Camilleri),
(Signé) CHARLES PIETRI, Avocat Défenseur.

Inclosure 5 in No. 175*.

Baron d'Estournelles to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, le 14 Août, 1883.
J'AI l'honneur de vous transmettre ci-joint un Rapport de M. Rousseau, Président du Conseil d'Administration des Revenus Concédés, qui répond à la réclamation formulée par le Sieur Joseph Camilleri.

Agréez, &c.
(Signé) D'ESTOURNELLES.

Inclosure 6 in No. 175*.

M. Rousseau to Baron d'Estournelles.

M. le Chargé d'Affaires, Tunis, le 13 Août, 1883.
EN réponse à la réclamation du Sieur Joseph Camilleri que vous m'avez transmise par votre lettre du 18 Juillet dernier, j'ai l'honneur de vous exposer ce qui suit.

Les gardiens chargés par les monopoles du sel et du tabac de la surveillance des plages, ayant en connaissance que des marchandises avaient été débarquées en contrebande et déposées dans un des magasins situés à l'intérieur du fort de Porto Farina, demandèrent aide et assistance aux autorités Tunisiennes pour y exercer une perquisition.

Celles-ci après avoir reconnu que les magasins en question étaient bien une dépendance du fort et devaient être considérés comme domicile Tunisien, accordèrent à ces Agents le concours qu'ils sollicitaient.

Il résulte, en effet, des procès-verbaux de constatation qui ont été dressés en cette circonstance et remis ensuite au Conseil d'Administration, que la perquisition a été autorisée par le Kalifa, et accomplie en présence du Commandant du fort. Dans ces conditions il semble avoir été bien établi que ces magasins n'appartiennent pas à Mr. Camilleri, et qu'il n'y a pas eu, par suite, violation des Traités Internationaux.

Mais en tout cas, si une irrégularité a été commise, elle ne saurait être attribuée à la faute des Agents relevant de notre Administration.

Quant aux marchandises dont la susdite perquisition a amené la découverte et la constatation et qui ont été séquestrées entre les mains de l'autorité locale, elles se composent de 300 kilog. de sel environ, et de 3,837 paquets d'ail.

Le sel ayant été importé et détenu au mépris du privilège du Monopole, c'est à bon droit que le fermier en réclame la confiscation.

La saisie de l'ail est tout aussi régulière et légale, et la Douane ne peut admettre qu'il soit restitué, car il a été introduit non seulement en fraude des droits d'entrée, mais encore en violation du Décret du 26 Rebia El Aoul, 1300, qui frappe de prohibition les fruits et légumes frais.

La provenance étrangère de cet ail a été dûment constatée, ainsi qu'il appert des susdits procès-verbaux; on ne saurait d'ailleurs la mettre en doute—

1. Parce que les environs de Porto Farina ne produisent pas d'aussi fortes quantités de ce légume;

2. Parce que les qualités exotiques sont parfaitement reconnaissables et distinctes des qualités indigènes.

Pour ces motifs le Conseil repousse la demande du Sieur Camilleri et se réserve de demander au Comité Exécutif que le sel soit confisqué au profit du Monopole, et que le

Gouvernement de Son Altesse dispose de l'ail comme il l'entendra, en exécution du Décret spécial sur la matière.

Veillez, &c.
Le Président du Conseil,
(Signé) J. ROUSSEAU.

Inclosure 7 in No. 175*.

Mr. Reade to Baron d'Estournelles.

Sir,

Tunis, August 17, 1883.

I HAVE the honour to acknowledge the receipt of your official letter of the 14th instant, and of the copy of a Report therewith transmitted by M. Rousseau, President of the Administration of Conceded Revenues, with regard to the charges which Giuseppe Camilleri, a British subject, had put forward against some of the authorities of Porto Farina, and beg to inclose the complainant's reply to that Report.

To the remarks contained in the inclosed paper I feel I have little to add beyond an expression of a hope that they will be regarded as conclusive of the justness of the British subject's cause.

It will not have escaped your notice that however much we may differ from M. Rousseau in the mode of appreciating all the circumstances of the case, the main facts, as related in the Petition which accompanied my official letter of the 14th ultimo, are not denied by him.

There can, therefore, be no longer doubt as to the fact that a store in the occupation of a British subject was forcibly entered, without his consent or that of the Consular authority, and that this was done under direction of the local authorities, and for the mere purpose of gratifying the curiosity of Agents of the Tobacco Monopoly. It is, moreover, clear that, although search was made in that store for tobacco—and possibly also for gunpowder—potatoes, garlic, and some other articles of merchandize were alone found, and that, notwithstanding this circumstance and the fact that the possession and sale of garlic are permitted to everybody, and salt in small quantities is to be met with in almost every domestic household, a considerable parcel of the first-named article, and about 300 kilog. of the last were seized, on the mere suspicion of their having been disembarked in contraband some time previously.

You will, I think, agree with me that a more flagrant violation of law, custom, and International Treaty it is difficult to conceive, and I trust that orders may be given by the Tunisian Government for the immediate restitution to Giuseppe Camilleri of the merchandize so unjustly taken from him, and reimbursement of any losses consequent upon their seizure.

I venture also to hope the Tunisian Government will, in its wisdom, see fit to mark with severity its disapproval of the conduct of the authority responsible for the proceedings against which we have had, on the present occasion, to complain.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 8 in No. 175*.

M. Pietri to Mr. Reade.

M. le Consul-Général, Tunis, le 16 Août, 1883.

J'AI pris connaissance du Rapport de M. le Président du Conseil d'Administration des Revenus Concédés au sujet de l'affaire Camilleri, de Porto Farina, Rapport qui vous a été transmis par M. le Ministre Résident de France.

Relativement à la question des Traités Internationaux dont j'avais signalé la violation, je réponds que bien que le magasin appartienne au Gouvernement Tunisien, il était occupé par un sujet Anglais, et que du moment où le dit magasin était occupé par le Sieur Camilleri, les Agents de l'autorité devaient demander l'autorisation au Consulat d'Angleterre pour opérer la perquisition. Le Traité de 1863 a donc été violé.

Quant à la marchandise saisie, je ferai observer que les raisons données pour justifier la perquisition ne sont point sérieuses.

[1445]

La présence des 300 kilog. de sel a causé aux Agents de M. Missud une émotion que je ne m'explique point. Ce sel est depuis longtemps dans le magasin de Mr. Camilleri, qui l'a déposé en cet endroit en attendant qu'il puisse l'employer à la salaison des anchois.

Quant à l'ail saisi, Mr. Camilleri est prêt à fournir la preuve qu'il a été acheté à Porto Farina, Ras-el-Jebel, et Aalia. L'Administration n'a qu'à ordonner une enquête pour se convaincre que Mr. Camilleri n'a point violé le Décret du 26 Rebia-el-Aoual, 1300.

Les procès-verbaux dressés par les Agents de M. Missud ne font point foi, et la preuve du contraire doit être admise. C'est ce que je demande au nom de mon client.

Veuillez, &c.
(Pro Joseph Camilleri),
(Signé) CHARLES PIETRI, *Avocat Défenseur.*

Inclosure 9 in No. 175*.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, le 8 Keadah, 1300 (9 Septembre, 1883).

J'AI l'honneur de vous adresser la copie ci-jointe du procès-verbal de l'enquête ordonnée par le Gouvernement Tunisien à la suite de la réclamation que vous m'avez transmise par lettre du 17 Août dernier.

En communiquant cette pièce, le Gouvernement me fait observer que la perquisition incriminée a été faite dans un fort appartenant à l'État. Il ajoute qu'en l'occupant, sans aucun titre, un sujet étranger ne saurait donner à cet établissement militaire le caractère d'un domicile privé et surtout d'une habitation échappant à la juridiction locale.

Quant aux quantités de marchandises trouvées dans le fort, elles dépassent de beaucoup celles que comporte un approvisionnement particulier; je vous serai donc obligé de vouloir bien m'adresser, pour être transmis au Gouvernement Tunisien, les documents en la possession du plaignant, établissant qu'elles ne proviennent pas de contrebande.

Agréer, &c.
(Signé) PAUL CAMBON.

Inclosure 10 in No. 175*.

Procès-verbal by the Governor of Bizerta.

(Translation from the Arabic.)

ON the 20th Shawal, 1300 (23rd August), the Cadi of Bizerta proceeded to Porto Farina about the following affair.

On the 29th Shaban (4th July) four individuals presented themselves: Vincenzo Gonzales (an Italian); Giuseppe Portelli (a British subject); Salvo Buttigieg (a British subject); and Gioacchino Cordina (a British subject). They arrived in a boat, and declared they were guards of the coast, and they said they brought a letter for Francesco Mosca, the chief of the port (an Italian), but they could not find him. The letter was then given to his brother Alexander. This latter and the night guards then went to the Khalifa, Abdallah-el-Kurwy, and asked him for two watchmen to guard two stores in the military quarter, as they had heard there was contraband there. The watchmen asked for were given, and they were added to the guard who is always there, and all were told to be vigilant and to watch from a distance. On the following morning, the 30th of the month, Alexander and the watchmen presented themselves again before the Khalifa, and asked the latter to accompany them. They then went away and found the stores closed. The Khalifa did not go, as he said he had nothing to do with the stores, which were under military charge. When the Commandant, Braham Kadri, was spoken to, he said that all the stores were open, and did not know that any of them were closed. At that moment Vincenzo, the son of Michele, the Maltese, joined them, and said that his father had the keys of one of the stores. The Commandant ordered him to bring the keys, and he brought them and opened the store. They entered, and found garlic and salt, and the appurtenances of

a boat. The watchmen and the representative of the Captain of the Port then presented themselves again to the Khalifa, and told him what they had found. They said also that the garlic and salt were contraband, and that they would keep possession of those articles; and they asked for two notaries to testify to all that took place. He gave them the two notaries and an officer of the Cadi's Court, and Mohamed Ben Abdallah-el-Kurwy, son of the Khalifa, also accompanied the party. They visited the store which was open, and found in it ten "waibas" of salt (about 300 kilog.) and 1,876 bundles of garlic. They then locked up the store, and the key was taken by the Commandant. Vincenzo said that he had taken possession of the store without any express order to that effect, as the stores were all open and unserviceable, and the quarter in which they are situated was abandoned. They then asked Vincenzo to open the other store, but he answered that his brother-in-law, Luigi Grima, had the key, and he was at the Goletta. The Commandant and the watchmen and Vincenzo opened the second store, as they had done the first one. They had to open it by cutting the chain of the padlock. They brought also a carpenter, who assisted them, and they found garlic. The watchmen and the Captain of the Port then went to the Khalifa for two notaries to bear witness to what they were doing. He gave them the two notaries and the chief guard of the town, Braham Ben Mohamed-el-Blanou, who, together with the watchmen and others, found 1,961 bundles of garlic. Then the Commandant locked up the store, and remained in possession also of the second key. The Military Commandant states that the quarter was abandoned, and could be made use of by anybody. When Francesco Mosca arrived other chains were added to the locks of the stores, and he kept one of the keys. In the evening the Cadi arrived, and accompanied Francesco Mosca to the stores. The latter subsequently removed the chain he had placed. The merchandize is still in the stores.

Inclosure 11 in No. 175*.

Mr. Reade to M. Cambon.

Excellency,

Tunis, September 13, 1883.

I BEG to acknowledge the receipt of your letter of the 9th instant, with reference to my communication of the 17th ultimo, regarding the case of the violation of a British tenement at Porto Farina by some Agents of the Tunisian authorities of that town.

I regret to say I am unable to accept the conclusions of your letter. In the first place, I submit that the allowed and recognized occupancy, for a protracted period, of a ruin (which may, it is true, be technically described as a fort) constitutes a domicile to all intents and purposes as against third parties, and, accordingly, I can see no justification whatever, for the seizure or confiscation of property belonging to a British subject on a mere supposition of contraband.

I still hope that after mature reflection you will see the propriety of some prompt and adequate satisfaction being given for the outrage complained of.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 12 in No. 175*.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général,

Tunis, 20 Hodja, 1300 (21 Octobre, 1883).

J'AI communiqué au Gouvernement Tunisien la protestation que vous m'avez fait l'honneur de m'adresser par lettre du 13 Septembre dernier, contre la saisie d'oignons et de sel appartenant au Sieur Camilleri, sujet Anglais, résidant à Porto Farina. Des nouveaux renseignements qui ont été recueillis il résulterait que ces denrées proviendraient bien de l'étranger; ce fait cependant étant contesté par l'intéressé, le Gouvernement Tunisien offre de s'en rapporter à la décision de deux experts: l'un nommé par l'Administration Financière, l'autre par le Sieur Camilleri. En cas de partage, son Excellence le Premier Ministre désignerait un tiers expert.

Je vous serai obligé de vouloir bien me faire connaître si le Sieur Camilleri accepte cette proposition.

Agréer, &c.
(Signé) PAUL CAMBON.

Inclosure 13 in No. 175*.

*Mr. Reade to M. Cambon.**Tunis, October 23, 1883.*

Excellency,

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 21st instant, in which, with regard to the late unauthorized and forcible seizure at Porto Farina of a parcel of garlic and salt belonging to a British subject named Giuseppe Camilleri, you communicate to me, on behalf of the Tunisian Government, an offer to submit the question as to whether the articles seized had been smuggled into the country or not, to surveyors representing the parties interested, with a proviso that, in the event of such surveyors disagreeing, an umpire selected by the Prime Minister should decide between the two.

The seizure of the said articles, although effected in a dilapidated and disused arsenal of the Government, having, for the reason that the magazine in which they were stored had for some time previously been occupied by the British subject, with the knowledge of the local authorities, been illegally executed, and not consummated at a time when those articles were in the act of being smuggled into the country, I regret it is not in my power to accept the proposal you are so good as to communicate to me in the name of the Tunisian Government.

I have, &c.

(Signed)

THOS. F. READE.